

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

208

CRM-M No.26512-2020

Date of decision:24.03.2021

Sachin

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anuj Balian, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.206, dated 30.07.2020 registered under Sections 489, 489-B, 489-C, 420 of IPC at Police Station Parao, District Ambala.

The FIR has been registered on the allegation that co-accused, Pankaj and Sagar were apprehended with 175 counterfeit currency notes of Rs.2000/-. On the basis of disclosure statement of Sagar, who stated that the printer for the printing of the fake currency notes was supplied by the petitioner, he was arrested on 02.08.2020.

Counsel for the petitioner has submitted that the petitioner, who is a 21 years old college going student, is son of a vegetable

vendor. It is his contention that the petitioner has been falsely framed as he has neither been apprehended from the spot nor any recovery has been effected from him. Counsel urges that the disclosure statement made by co-accused, Sagar, in police custody, is a weak piece of evidence and cannot be relied upon to involve the petitioner in the crime. He further submits that he is not the owner of the printer which belongs to Rahul, who allegedly gave it to the petitioner and Rahul has not been named as an accused. He submits that the investigation is complete, challan has been presented and the petitioner, who has clean past, is no longer required for custodial interrogation.

Per contra, learned State counsel upon instructions from ASI Narender Kumar, has opposed the petition. He has referred to the disclosure statement, Annexure R-1 of the petitioner to submit that the petitioner has admitted his involvement and in connivance with the co-accused, he entered into a criminal conspiracy to print fake currency notes and he was to get a share in the profit. As per his instructions, challan has been presented on 16.10.2020 and the charges are yet to be framed.

I have considered the rival submissions of the parties.

Considering the fact that the petitioner has been arraigned as an accused on the basis of disclosure statement of the co-accused and no recovery has been effected from him, his involvement in the crime is debatable.

Keeping in view the arguments of the counsel, period of incarceration of the petitioner, nature of allegations, gravity of offence

and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

The petitioner shall furnish an undertaking to the effect that henceforth, he will not involve himself in any criminal activity. In case, he violates the undertaking, it shall be open to the prosecution to seek cancellation of his bail.

24.03.2021

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No