

CRM-42691-2021 in/and
CRM-M-41938-2021
Date of decision: 15.12.2021

SAGAR

...APPLICANT/PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Mohan Singh Chauhan, Advocate
for the applicant/petitioner.

Mr. Sheenu Sura, DAG, Haryana. .

VIVEK PURI, J. (ORAL)**CRM-42691-2021**

The applicant seeks to place on record the copy of the charge-sheet framed by the trial Court.

Notice to the application.

Ms. Sheenu Sura, DAG, Haryana, accepts notice on behalf of respondent-State and she has no objection if the documents annexed with petition are taken on record.

CRM application is disposed of and copy of the charge-sheet framed by the trial Court annexed with the petition is taken on record.

Registry to tag the same at the appropriate place.

Main case

Sagar-petitioner is seeking regular bail in the case bearing FIR No. 206 dated 30.07.2020, under Sections 420/489-A/489-B and Section 489-C IPC, registered at Police Station Parao, District Ambala.

Briefly, the allegations against the petitioner are to the effect that on 30.07.2020 in pursuance of a secret information, a Swift car was intercepted

which was being driven by the co-accused Pankaj @ Panki and the petitioner was sitting on the adjoining seat of the driver. From the search of the car 175 counterfeit currency notes of the denomination of Rs. 2000/- each were recovered from the dashboard of the car.

Learned counsel for the petitioner contends that Pankaj, co-accused is the owner of the car and driving the same at the time of alleged recovery. The co-accused Pankaj @ Panki has been granted bail in terms of order dated 17.09.2021 passed by the Co-ordinate Bench of this Court in CRM-M-37638-2021. Furthermore, the petitioner is in custody for a period of one year and four months, and is not involved in any other case. The investigation of the case is complete, the case of the prosecution is based upon the official witnesses. The petitioner is entitled to bail on parity as co-accused has been granted bail.

The bail application has been opposed by the learned State counsel on the score that the petitioner cannot claim parity with the co-accused Pankaj @ Panki as the printer, scissors etc. have been recovered from his house. However, it has not been disputed that the co-accused Pankaj @ Panki is the owner of the car from which the counterfeit currency notes have been recovered and the case of the prosecution is based upon the official witnesses only.

It shall not be appropriate at this stage to distinguish the case of the petitioner with the co-accused on the score that the printer and scissors have been recovered from his house particularly because there is nothing to suggest that anything more required for printing counterfeit currency notes has been recovered at his instance. The petitioner is not the owner of the vehicle from which counterfeit currency notes have been recovered, the co-accused who was driving the car has already been granted bail, the investigation of the case is complete, the conclusion of the trial is likely to take sometime and as such sufficient

mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

15.12.2021
renu

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No