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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2953-2022
Date of Decision: 10.02.2022

Gulbahar Ahmed

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanpreet Sandhu, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present is the third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.88 dated 12.06.2020, under Sections 489-A, 489-B, 489-C, 489-D and 201 IPC, registered at Police Station Sadhaura, District Yamuna Nagar.

The first petition was filed by the petitioner in CRM-M-40309-2020 which was dismissed as withdrawn by the petitioner on 29.01.2021 vide Annexure P-7. The second petition bearing CRM-M-12936-2021 was again filed by the petitioner which was dismissed as withdrawn on 28.09.2021 vide Annexure P-8. The third petition has been filed on the ground that the petitioner is in custody from 23.06.2020 which is more than 1½ years and only two prosecution witnesses have been examined and,

therefore, the petitioner may be considered for the grant of regular bail.

It has been submitted by the learned counsel for the petitioner that as per the allegations contained in the FIR two ladies were found in the market when they were using counterfeit currency notes and, therefore, the matter was reported to the police and the two ladies were apprehended. He further submitted that the petitioner has clean antecedents and he is not involved in any other case and the since the matter has already been investigated by the police and it is at the stage of prosecution evidence, he may be considered for the grant of regular bail. He further submitted that the name of the petitioner was nominated on the basis of a disclosure statement made by other co-accused namely Pankaj which does not have any evidentiary value and, therefore, considering the custody of the petitioner, he may be granted the concession of regular bail. He further submitted that some of other co-accused have been granted bail by this Court vide Annexures P-2 to P-5.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has vehemently opposed the grant of regular bail to the petitioner. He submitted that it is a case when two ladies were using counterfeit currency notes of Rs. 500/- denomination, then the complainant who was selling some garment in the market reported the same to the police and thereafter, both the ladies were apprehended and thereafter on the basis of the disclosure statement of these ladies, they had named one Pankaj from whom they got the counterfeit currency notes and thereafter, the aforesaid Pankaj was also arrested and he is still in custody. Thereafter when Pankaj was interrogated, then the name of the petitioner surfaced that the petitioner was the actual mastermind behind printing of the currency notes.

Thereafter, the petitioner was also arrested and from him there was a recovery of 25 counterfeit notes of Rs.2000/- denomination, a Laptop and LCD, whereas a printer was recovered from the other co-accused namely Pankaj. It was also found during investigation that total amount of Rs. 8,00,000/- were printed by these two persons and thereafter, the same was sent to the market through some other persons for the purpose of circulation. Learned Additional Advocate General has submitted that it is correct that the petitioner is in custody since 23.06.2020 but at the same time the seriousness and the magnitude of the case would disentitle the petitioner for grant of regular bail. He further submitted that as of now two prosecution witnesses have been examined including the complainant, out of which examination-in-chief of one witness has been done and there are total 25 witnesses. Learned Additional Advocate General has also expressed apprehension that in case the petitioner is released on bail, then he may influence the witnesses and he may even repeat the offence and considering the gravity of the offence, the petitioner may not be granted the concession of regular bail.

I have heard the learned counsel for the parties.

This is a third petition filed by the petitioner and earlier two petitions were withdrawn by the petitioner on 29.01.2021 and 28.09.2021 respectively. The argument raised by the learned Additional Advocate General that the material including counterfeit notes, Laptop and LCD were recovered from the petitioner who was stated to be mastermind in the present offence would carry weight for the purpose of considering the grant of regular bail to the petitioner. The argument raised by the learned counsel for the petitioner that other co-accused have been granted bail by this

Court would not sustain in view of the fact that out of four other co-accused who have been granted bail two were those ladies who were used in the present offence and from the remaining two no recovery was made and they were also on disclosure statement, and therefore, the petitioner cannot be said to be at parity with the aforesaid four co-accused. Considering the gravity and seriousness of the offence, this Court does not deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

10.02.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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