

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

214

CRM-M-34117-2021 (O&M)

Date of Decision: 13.07.2022

JASWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. KS Brar, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.29 dated 22.03.2020, registered at Police Station Nandgarh, District Bathinda, under Sections 489-A, 489-B, 489-C, 489-D, 489-E and 420 IPC and Section 22 NDPS Act, 1985.

Learned counsel for the petitioner contends that, as per the prosecution case, on the basis of a secret information, one Rajdeep @ Raja was arrested and 40 tablets of Alprasafe 0.5 and Rs.11,700/- counterfeit notes were recovered from him; that on the basis of the disclosure statement of Rajdeep @ Raja, Varinder @ Baba was arrested along with Rs.2,70,000/- counterfeit notes; that on the basis of the disclosure statement of Varinder @ Baba, Lovepreet Singh was arrested along with Rs.2,00,000/- counterfeit notes and that on the basis of the disclosure statement of Lovepreet Singh, the petitioner has been indicted

in the present case and recovery of Rs.1,00,000/- counterfeit notes was effected from him. He further submits that at the most, the allegation against the petitioner that he was in possession of counterfeit currency notes, falls within the ambit of Section 489-C IPC, which is otherwise bailable and triable by the Sessions Court; that co-accused, namely, Varinder @ Baba and Rajdeep @ Raja, stand released on bail. Still further, it is submitted that the petitioner has been in custody for the last more than 2 year and 3 months.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that there are specific allegations against the petitioner, inasmuch as, he along with other co-accused was printing the counterfeit notes and using the same in the open market, which is an offence against the society at large. He further submits that the petitioner is a habitual offender as he is facing 4 more FIRs, out of which 3 are under NDPS Act and 1 under IPC and that prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than 2 years and 3 months. The petitioner has been indicted in the present case on the basis of the disclosure statement of the co-accused, who himself has been indicted on the basis of the disclosure statement of the other co-accused. Prosecution witnesses are yet to be examined. In such

circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13.07.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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