

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

CRM-M-38483 of 2022(O&M)

Date of Decision: 21.12.2022

Maskeen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Argued by:- Mr. Bhupinder Ghai, Advocate
For the petitioner.**

Mr. Vishal Kashyap, DAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 61 dated 11.04.2022, registered under Sections 489-A, 489-C, 489-D, 420 and 201 IPC and Section 7 of The Specified Bank Notes (Cessation of Liabilities) Act, 2017 (for short, the Act of 2017), at Police Station Pillukhera, District Jind.

The counsel for the petitioner has, *inter alia*, contended that the petitioner has been falsely implicated in this case and as per the police version, police received secret information and raided the disclosed premises and from there apprehended all the accused including the petitioner and counterfeit currency notes of demonetized currency worth Rs.8,42,60,000/- were recovered from the spot along with one machine meant for preparing fake currency notes, one cutter, one box, one ream of papers, one Alto car and some other articles. The counsel for the petitioner has further submitted that the said recovery was stated to be effected on 11.04.2022 which means

that much after 08.11.2016 when the Indian Government announced the demonetization of all Rs.500/- and Rs.1000/- notes. The counsel for the petitioner further submits that after said demonetization the Government notified the Act of 2017 as per which no person could possess aforesaid demonetized currency notes and violation thereof attracts fine which may extend to Rs.50,000/- or five times the face value of demonetized currency notes so recovered. The counsel for the petitioner has further contended that as per Act of 2017 in case some person is found possessing demonetized currency notes then only fine is to be imposed as per Section 6 of the said Act. The counsel for the petitioner has further submitted that even if the story put forth by the prosecution is considered to be true, it resulted in recovery of coloured photocopies of the demonetized currency and the same could not be termed as fake currency and thus the said recovery does not attract offences punishable under Section 489-A, 489-C, 489-D IPC. The counsel for the petitioner has further submitted that possession of any coloured printer and recovery thereof also does not attract any punishment. The counsel for the petitioner has further submitted that the prosecution has failed to show that the alleged Photostat copies of demonetized currency notes were kept by the petitioner with an intention to use as a valid tender. The counsel for the petitioner has further submitted that the petitioner is in custody since 11.04.2022 and after completion of investigation the police has presented the challan but charges are yet to be framed. So, prayer is made that the petitioner be released on regular bail.

The State counsel on instructions from SI Rajinder Singh has submitted that the Photostat copies of demonetized currency notes were

found in possession of the petitioner and other persons when the police raided the disclosed premises on 11.04.2022 and one coloured printer and some other articles were also recovered from there. The State counsel has further submitted that aforesaid huge quantity of Photostat copies of demonetized currency notes were possessed by the petitioner with dishonest intention to use them as genuine currency notes. However, the State counsel has not disputed the custody period of the petitioner.

I have considered the submissions made by counsel for the parties.

Admittedly, currency notes of denomination of Rs.500/- and Rs.1000/- ceased to be a legal tender after 08.11.2016 and thereafter Indian Government enacted the Act of 2017, as per which holding, transferring or receiving of the said demonetized currency notes has been prohibited and violation of the same provides various penalties under Sections 6 and 7 of the said Act, as per which the person who violated the provisions of Act of 2017 could be fined.

It is a debatable issue as to whether possession of coloured photocopies of aforesaid demonetized currency notes attracts the provisions of Section 489-A, 489-C and 489-D IPC. Further, it is a matter of trial as to whether the accused persons including the petitioner kept the said Photostat copies of demonetized currency notes and coloured photo printer with some *malafide* and dishonest intention to use the said photocopies of demonetized currency notes as genuine.

Admittedly, the petitioner is in custody since 11.04.2022 and on completion of investigation the police has presented the challan and as has been submitted by the State counsel charges are yet to be framed. It will take considerable time for the trial to conclude even after the framing of charges. The petitioner is having no criminal history.

In the light of the above, no purpose is going to be served by prolonging the judicial custody of the petitioner. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/ CJM/ Duty Magistrate concerned.

However, any observations made hereinabove are not to be considered as an expression of opinion on the merits of the case.

21.12.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No