

CRM-M-44619-2021 (O&M)

MUKESH KUMAR SALUJA
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

SR. No.213

CRM-M-44619-2021 (O&M)
Date of Decision:28.10.2022

Amrinder Singh @ Suraj

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Ms. Monita Mehta, Advocate,
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

N.S. SHEKHAWAT, J. (Oral)

CRM-19764-2022

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Challan (Annexure P-3) is taken on record.

CRM-M-44619-2021

The petitioner has filed the present petition under Section 439 Cr.P.C. with a prayer to grant regular bail to him in FIR No.0222 dated 19.08.2020 under Sections 489A, 489B, 489C, 489D and 34 IPC registered at Police Station City Hoshiarpur, District Hoshiarpur.

The FIR in the instant case was got registered by SI Pardeep Kumar by alleging that on 18.08.2020, he along with other police officials was present at Kanak Mandi Chowk for patrolling and a secret information was received by the police party that that 04 young men were sitting on two scooties in the dark in front of Tagore Park and they were conspiring to

publish fake Indian currency and to supply the same in the market. As per the complainant, they were members of a gang and if a raid is conducted, they could be apprehended at the spot and the racket supplying fake Indian currency in the market could be busted. On this, the complainant informed his higher officers, who constituted a team for conducting the raid. They raided the accused, who were sitting on two Activa scooters and encircled them from both the sides and ultimately apprehended all the above persons. After taking them in custody, their names and addresses were enquired from them, who disclosed their names to be Gursimran Jit Singh @ Baba @ Sodhi, Jagtar Singh, Harjinder Bharti and Amrinder Singh Suraj. The police made efforts to join public witnesses, before conducting the search on the persons of the said accused, but the public witnesses could not be joined as there was curfew after 09.00 PM. After their personal searches, fake Indian currency of different denominations was recovered from them. It was alleged that from the right pocket of the trousers worn by the petitioner, 100 fake currency notes of the denomination of Rs.500/- each were recovered from the present petitioner. During interrogation, it was revealed that the petitioner was the kingpin of the gang and he had kept printer and laptop with modern technique at his home and they used to print fake currency notes with the help of the same. The separate disclosure statements of the accused were written and were formerly arrested by the police.

As per the prosecution, the investigation formally commenced against all the accused and even during the course of investigation, the petitioner suffered a disclosure statement and got recovered 43 notes of denomination of Rs.2000/-, 404 notes of the denomination of Rs.500/-, 300 notes of denomination of Rs.200/-, 100 notes of denomination of Rs.100/-,

i.e. total fake Indian currency notes of Rs.3,18,000/- were recovered from him. Apart from that, 3 Tape Rolls one cutter, one laptop and digital colour printer were also recovered from the possession of the present petitioner. On finding sufficient incriminating evidence, the challan was presented against the petitioner and the other co-accused in the competent court of law.

Learned counsel appearing on behalf of the petitioner has vehemently contended that the petitioner has been falsely implicated in the instant case and the recovery has been planted on him. He further contends that investigation in the instant case is complete and challan has been presented before the Court. The entire prosecution case hinges on the testimonies of the official witnesses and the petitioner would not be in a position to influence the said witnesses.

Learned counsel appearing on behalf of the State has strongly opposed the grant of concession of regular bail to the petitioner on the ground that the petitioner is the main accused in the instant case and fake currency notes of more than Rs.3,50,000/- have been recovered from the petitioner. He further submits that apart from that, three tape rolls, one cutter, one laptop and digital colour printer have also been recovered from him. He conspired with his co-accused to commit such a heinous crime, which is caused huge financial loss to the State exchequer. He, however, submits that the challan has already been presented in the Court and charges were framed on 01.11.2021 and till date no witness has been examined by the prosecution.

This Court has heard the learned counsel for the parties and perused the case file carefully.

Reverting to the facts of the present case, no doubt, the

petitioner is involved in a very serious crime and had hatched a deep rooted conspiracy, which had caused huge financial loss to the State exchequer. However, it is apparent that the petitioner was apprehended by the police team consisting of several police officials, who have been arrayed as witnesses in the instant case. Consequently, the petitioner would not be in a position to influence the said witnesses. Apart from that, the petitioner was arrested in the instant case on 19.08.2020 and is in custody for over 02 years and 02 months and his further custody would serve no meaningful purpose. Apart from that, both the parties have admitted that no other case has been registered against the present petitioner.

No doubt, the offence alleged against the accused persons including the present petitioner is very serious and the police collected sufficient evidence involving a deep rooted planning by the accused, whereby they had printed huge fake Indian currency notes by using modern techniques. However, the two paramount considerations, while considering the petition for grant of bail in a non-bailable offence, apart from seriousness of the offence, are the likelihood of the accused fleeing from the process of justice and his tempering with the prosecution witnesses. Both of them are required to be examined by the court to ensure that there is a free and fair trial. Still further, when the under-trial prisoners are detained in jail custody to an indefinite period, article 21 of the Constitution of India is violated. Every person, detained or arrested, is entitled to speedy trial and in the instant case, it is apparent that for the last more than 02 years and 02 months, the petitioner is in custody, however, the trial has not progressed much. The charges were ordered to be framed against the petitioner on 01.11.2021, still no witness has been examined. In

view of this, I am inclined to allow the instant petition for grant of regular bail.

As a consequence of the above-discussion, it is ordered that the present petitioner be released on bail on his executing a bond with two solvent sureties each in a sum of Rs.2 lacs to the satisfaction of the concerned learned trial Court/CJM/Duty Magistrate subject to the following conditions:-

- (i) That the petitioner shall file an affidavit before the concerned court, disclosing his ordinary place of residence during the pendency of the trial. He shall also inform the court about the mobile number, he is likely to use during the said period. He will further undertake that during the pendency of the trial, he would not involve in same or similar offence. In case the petitioner wishes to shift his ordinary place of residence, he shall inform at least one week in advance to the concerned court in this regard;
- (ii) The petitioner shall report between 11.00 AM to 03.00 PM on Monday, Wednesday and Friday to the SHO, Police Station City, Hoshiarpur or any other responsible police officer in his absence, who shall mark his presence in the Roznamcha of the concerned police station. In case the SHO or any other responsible police officer does not mark his presence, the petitioner shall be at liberty to report the matter to the Senior Superintendent of Police, Hoshiarpur in this regard.

- (iii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the court or to any authority;
- (iv) The petitioner shall remain present before the court on the dates of hearing of the case. In case, the petitioner wants to remain absent, he shall take prior permission of the court and he shall also inform not only the concerned court/trial Court, but will also inform SHO, Police Station, City Hoshiarpur in this regard
- (v) The petitioner shall also surrender his passport if any, (if not already surrendered) and in case he is not holder of the same, he shall swear an affidavit to that effect and shall be presented before the concerned CJM/Illaq Magistrate at the time of grant of bail.

In case the petitioner violates any of the above-said conditions, it shall be open for the prosecution to move an appropriate application for cancellation of the bail granted to the present petitioner.

With the above-said discussions, the present petition stands allowed with the above-said terms.

28.10.2022
mks

(N.S.SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO