

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

Sr. No.229

CRM-M-47877-2021

Date of decision: 28.02.2022

Birender Prasad

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Anurag Jain, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.437 dated 10.07.2019, registered under Sections 489-A, 489-B, 489-C, 201 IPC at Police Station Hansi City, District Hisar.

Briefly stated, the case of the prosecution is that on 10.07.2019, the police received secret information that co-accused Rohtash was coming in a private vehicle carrying fake currency. On receipt of such information, a raiding party was constituted and the said vehicle was intercepted in which Rohtash was found sitting. Rohtash's search resulted in the recovery of counterfeit Indian currency notes amounting to Rs.26000/-. After lodging of a FIR, further investigation was conducted. Rohtash's interrogation revealed the petitioner's involvement to be one of the suppliers of the counterfeit currency and on the basis thereof, the petitioner was nominated as an accused and arrested.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has been in custody since 09.11.2020; there is no other criminal case pending against the petitioner; the only evidence against the petitioner is the alleged disclosure

statement of co-accused Rohtash in police custody which has no evidentiary value; investigation in the case is complete; co-accused Uma Shankar and Rohtash, have been granted regular bail through the orders of this Court dated 27.07.2021 and 30.09.2021 passed in CRM-M-20439-2021 – Uma Shankar vs. State of Haryana and CRM-M-23307-2021 – Rohtash vs. State of Haryana and that since in the petitioner's trial, none of the prosecution witnesses has been examined till date, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is a supplier of counterfeit currency and that if he is released on bail he may indulge in similar offences.

The petitioner is in custody since 09.11.2020; there is no other criminal case pending against the petitioner; investigation in the case is complete; co-accused Uma Shankar and Rohtash, have been granted regular bail through the orders of this Court dated 27.07.2021 and 30.09.2021 passed in CRM-M-20439-2021 – Uma Shankar vs. State of Haryana and CRM-M-23307-2021 – Rohtash vs. State of Haryana and that since in the petitioner's trial, none of the prosecution witnesses has been examined till date, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hisar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

February 28, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No