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

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Date of decision: July 12, 2023

Rakesh Prasad

....Petitioner

versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present:-** Mr. Namit Khurana, Advocate for petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

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**ARUN MONGA, J. (ORAL)**

Petitioner, stated to be 60-year old ex-Indian army soldier, seeks bail in criminal case bearing FIR No.55 dated 16.02.2023, registered under Sections 489-A, 489-B, 489-C, 489-D and 120-B of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Chhappar, District Yamuna Nagar.

2. Per First Information Report (FIR), on the basis of secret information, police party headed by P/SI Sumit apprehended the petitioner and his accomplice, namely Mustkeem on 16.02.2023. Counterfeited currency notes total amounting to Rs.8,50,000/- i.e. Rs.4 lakh from the possession of petitioner and Rs.4,50,000/- from recovered from the possession of co-accused Mustkeem. During investigation, Mustkeem disclosed the name of one Deepak, a resident of Barara. An FIR was registered in this regard.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. He also submits that there are 18 witnesses and none has been examined till date. Petitioner has nothing to do with the alleged offence and alleged recovery of counterfeit currency notes is doubtful. He is not involved in any other case. In the instant case, he has been charge-sheeted only for the offence punishable under Section 489-C and 120-B IPC which entail maximum punishment for a period of up to seven years.

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3.1. Learned counsel for petitioner further submits that petitioner is a known patient of acute diabetes and is also suffering from knee problem. He works as a small time property dealer to earn his livelihood and his family is living in penury during his absence.

4. On the other hand, learned State counsel, on instructions from SI Sumit Kamboj, opposes the bail petition. Although he candidly admits that petitioner is not required for further investigation.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. In this case, petitioner is stated to be not required for any further investigation as the same is over. Trial has commenced. Charges were framed on 06.07.2023. Out of 18 witnesses, none has been examined till date.

7. Petitioner is in custody since 16.02.2023. Trial is likely to take long time. Whereas, petitioner has already been languishing in jail for the past around 5 months in preventive custody. Petitioner at one time served for the country as soldier of India Army.

8. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

11. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the

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limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)  
JUDGE

July 12, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No