

CRM-M-36127-2023 (O&M)

224

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36127-2023 (O&M)

Date of decision: August 02, 2023

Sachin Verma

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ashish Grewal, Advocate for petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

ARUN MONGA, J. (ORAL)

After being declined bail by the trial Court, petitioner before this Court seeks his release as undertrial in 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 SI Sumit apprehended Rakesh Prasad 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 Rakesh Prasad 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. During investigation, petitioner was also arrested on 29.03.2023, based on disclosure statement of co-accused and is in custody ever since.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. He also submits that petitioner was not named in the FIR and has been nominated on the basis of custodial disclosure of co-accused, namely Prabhjot Singh alias Golu, which is not admissible evidence. Petitioner has nothing to do with the alleged offence and alleged recovery of counterfeit currency notes is doubtful. 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 up to seven years.

CRM-M-36127-2023 (O&M)

Learned counsel contends that co-accused of the petitioner, namely Rakesh Prasad from whom a huge recovery of counterfeited currency was effected, has been granted bail by this Court vide order dated 12.07.2023 passed in CRM-M-32241-2023, but allegation against petitioner is with regard to recovery of only Rs.11,500/-. He further submits that another co-accused, namely Mustkeem has also been granted bail by this Court vide order dated 27.07.2023 passed in CRM-M-35354-2023.

4. On the other hand, learned State counsel, on instructions from SI Sumit Kamboj, opposes the bail petition. He submits that after counterfeit currency notes were recovered from the petitioner on 31.03.2023, on the same day, recovery of 187 sheets for preparing counterfeit currency notes of denomination of Rs.100/- each and 31 sheets for preparing counterfeit currency notes of denomination of Rs.200/- each, was effected from possession of the petitioner. He further submits that he is involved in two more FIRs. If released on bail, he might tamper with evidence and/ or influence witnesses.

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

6. Investigation is stated to be over. Trial has commenced. Petitioner is thus not required for custodial interrogation. Charges by trial court were framed on 06.07.2023. Out of 18 witnesses, none has been examined till date. Conclusion of trial is still likely to take long time as it is proceeding at a snail pace.

7. Allegations against petitioner are a matter of trial at this stage. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for the past more than 4 months in preventive custody, being behind bars since 29.03.2023.

8. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses.

9. Offence allegedly committed by petitioner is of non-violent nature and in that sense his release on bail is not a threat to society at large by committing any violent crime.

CRM-M-36127-2023 (O&M)

10. It is stated that petitioner is a 33-year old person having old agedailing mother to look after, who is totally dependent on him and in his absence, she is living in sheer penury. Being a family man having responsibilities and fixed abode, it is unlikely that he poses any flight risk and/or will flee from the trial proceedings.
11. Co-accused of the petitioner have already been granted bail by this Court.
12. 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.
13. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, 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.
14. 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.
15. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.
16. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 02, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No