

CRM-M-39856-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

231

CRM-M-39856-2023

Date of decision: 22.08.2023

Prabhjot Singh @ Golu

....Petitioner

V/s

State of Haryana

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. Karan Garg AAG Haryana.

ARUN MONGA, J. (Oral)

Custody certificate of the petitioner has been tendered in Court by learned State counsel, which is taken on record.

2. After being declined bail by the trial Court, petitioner before this Court seeks his release as an undertrial in a 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.

3. 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/- were recovered from the possession of co-accused Mustkeem. During investigation, they disclosed the name of one Deepak, a resident of Rattanheri, District Ambala. An FIR was registered. During investigation, petitioner was also arrested as a suspect on 27.03.2023 based on disclosure statement of co-accused and, is in custody ever since.

4. At the outset, learned counsel for petitioner contends that co-accused, from whom huge recovery of counterfeited currency was effected, have been granted bail by this Court, as per orders contained at Annexures P-2 to P-4 but allegations against petitioner is with regard to recovery of only Rs.13,500/-. He also argues that on the ground of parity alone, petitioner is entitled to be released on bail during pendency of trial.

4.1. On merits, he 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 Deepak, which is not *per se* admissible evidence. Petitioner has nothing to do with the alleged offence and alleged recovery of counterfeit currency notes is doubtful.

4.2. He further argues that petitioner is not required for custodial interrogation. Yet, petitioner is in custody since 27.03.2023. Challan has already been presented before the competent Court. Charges were framed on 06.07.2023. There are 18 prosecution witnesses but none of the witnesses has been examined till date.

5. On the other hand, learned State counsel opposes the bail petition. He submits that after 27 counterfeit currency notes were recovered from the petitioner on 31.03.2023. On the same day, recovery of 147 sheets for preparing counterfeit currency notes of denomination of Rs100/- each and 33 sheets for preparing counterfeit currency notes of denomination of Rs.200/- each along with other materials used for preparing counterfeit currency was effected from possession of the petitioner. He further submits petitioner is involved in one more FIR. If released on bail, he might tamper with evidence and/or influence witnesses.

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

CRM-M-39856-2023

7. Investigation is stated to be over. Petitioner is thus not required for custodial interrogation. Trial has commenced. Out of 18 witnesses, none has examined till date. Conclusion of trial is still likely to take long time as it is proceedings at a snail pace.

8. 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 almost 5 months in preventive custody, being behind bars since 27.03.2023.

9. 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.

10. 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.

11. It is stated that petitioner is a 21-year old person having old aged parents to look after, who are totally dependent on him and in his absence, they are 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.

12. On a Court query, learned State counsel, on instructions from SI Sumit Kamboj, does not controvert that co-accused, who have been enlarged on bail, have been attributed with similar role as the petitioner herein.

13. 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.

14. 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.

15. 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.

16. 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.

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

(ARUN MONGA)
JUDGE

August 22, 2023
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No