

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

CRM-M-46355-2022
Date of Decision: 20.03.2023

ABHAY @ ABHI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. A.D.S. Sukhija, Advocate
for the petitioner.

Mr. Amrik Narwal, D.A.G., Haryana.

HARSH BUNGER, J.

Petitioner (Abhay@ Abhi) has filed this petition under section 439 of the Code of Criminal Procedure seeking grant of regular bail in case FIR No. 0533 dated 04.07.2022 (Annexure P-1), under Sections 489-C of Indian Penal Code, 1860 [Sections 489-A and 489-D of IPC, added later on], registered at Police Station City Hisar, Haryana.

Succinctly, as per prosecution, upon a secret information, one Ravi Kant alias Ravi alias Sonu son of Budhi Lal, was apprehended by police with fake currency notes of Rs. 2,56,100/- of various denominations as detailed in FIR (Annexure P-1). Ravi Kant disclosed that he had brought the duplicate notes from one Sameer alias Saim, who poses himself as resident of Lucknow (UP).

Petitioner was arrested in this case on 06.07.2022. Thereafter, he applied for regular bail; however the same was dismissed by the Court of Additional Sessions Judge, Hisar, vide order dated 19.09.2022 (Annexure P-2). Accordingly, the instant petition has been filed before this Court seeking regular bail.

Upon issuance of notice in this petition, a status report was filed on behalf of State of Haryana.

Custody certificate dated 19.03.2023 of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

As per the status report, during investigation of this case, on 05.07.2021, the abovesaid accused Ravi Kant suffered his disclosure statement that he used to supply fake currency notes on commission basis on the instructions of accused Sameer; whereas Vikas, Aman and Abhay (petitioner) are residing in a rental accommodation near Jhopad Pati, Delhi, where all accused used to print the fake currency notes. In furtherance of information provided by Ravi Kant, petitioner was arrested on 06.07.2022. On disclosure statement of petitioner, one Navneet and Vikas were apprehended and fake / duplicate currency notes were recovered from them. It is stated that from the residential house of petitioner, Rs.10,000/- were recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as he is not named in the FIR and he has no concern with this case. It is contended that the petitioner has never been indulged in criminal activities and he has been nominated as an accused on the basis of a disclosure statement of co-accused Ravi Kant, which is not

admissible in evidence. It is submitted that infact petitioner is a student and is pursuing Bachelor of Arts and has passed B.A. 1st year examinations and he has no knowledge about computers. It is further submitted that the petitioner has been in custody since 06.07.2022 and is not involved in any other case/FIR. It is also submitted that the investigation in this case is complete and challan stands presented. The trial is likely to take time and no useful purpose would be served by keeping the petitioner behind the bars. Learned counsel for the petitioner submits that petitioner is ready to abide by any condition to be imposed by this Court or by the trial court; accordingly, prayer for grant of regular bail is made.

Per contra, learned State Counsel has opposed the prayer of petitioner for grant of regular bail on the ground of seriousness of the offence, however, learned State Counsel does not dispute the custody period of the petitioner and that the investigation in this case is complete and challan stands presented in this case on 02.09.2022. It is also not disputed that there is no other case / FIR against the petitioner.

I have heard, learned counsel for the petitioner as well as the learned State counsel, besides going through the paperbook and also the status report and custody certificate submitted on behalf of the State of Haryana.

In this case, the petitioner is a young boy of 19 years of age, who is stated to be pursuing Bachelor of Arts. Petitioner has been nominated as an accused on the basis of disclosure statement of co-accused and has been in custody since 06.07.2022 i.e. more than 8 months. Investigation in this case is complete, challan stands submitted on 02.09.2022. There is no other case / FIR against the petitioner. The trial is likely to take some time

and no useful purpose would be served by keeping the petitioner behind the bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of this case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs. 1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law, in case of absence of the petitioner from trial without sufficient cause.

Nothing expressed herein above shall be construed to be an observation on the merits of the case and facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

March 20, 2023
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No