

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-47805-2023

Date of Decision:-24.11.2023

Sarabjeet Singh @ Sarba.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Naveen Sharma, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.33 dated 28.04.2023 under Sections 489-A IPC (Challan presented under Section 489-A, 489-B, 489-C and Section 120-B IPC) registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

2. The brief facts of the case are that on 24.08.2023 while the police party was on patrolling duty secret information was received that Amarjeet Kaur wife of Sh. Surjit Singh was doing the business of selling counterfeit currency notes. In exchange of Rs.1 lacs genuine currency notes she would provided Rs.3 lacs worth counterfeit currency notes. She was standing near the grain market Peer Jain with large quantity of counterfeit currency. If a raid was conducted she could be nabbed.

Based on the aforementioned information, the FIR came to be registered and Amarjit Kaur was apprehended. From her possession fake

currency notes for a total sum of Rs.9,79,000/- came to be recovered. Amarjit Kaur disclosed the name of Sarabjit Singh @ Sarba (petitioner) who was nominated as an accused and was arrested on 29.04.2023. From his possession Rs.5,13,700/- worth counterfeit currency notes were recovered.

Sarabjit Singh @ Sarba named Jeewan Singh from whom he used to purchase fake currency. Jeewan Singh was nominated as an accused but has not been arrested till date.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of the disclosure statement of his co-accused. The recovery has been planted upon him. As he was in custody since 29.04.2023, none of the 09 prosecution witnesses have been examined so far and in the two other cases bearing FIR No.75 dated 05.02.2018 under Section 2 of the NDPS Act, P.S. Sadar Jagraon, District Ludhiana and FIR No.60 dated 01.03.2019 under Sections 406, 420 IPC P.S. Phillaur, District Jalandhar he had been granted the concession of bail vide orders dated 28.05.2019 passed by this Court in CRM-M-23742-2019 and 06.04.2018 passed by Judge Special Court, Ludhiana, he was entitled to the similar relief in the present case as well.

4. The learned counsel for the State has filed a reply dated 24.11.2023 by way of affidavit of Mr. Mohit Kumar Singla, DSP Sub Division Bassi Pathana, District Fatehgarh Sahib, Punjab in court today, which is taken on record. While referring to the said reply he contends that the total recovery of fake currency worth Rs.14,92,700/- has been effected from the arrested accused. Therefore, the seriousness of the allegations did not entitle the petitioner to the grant of bail more so when he had criminal antecedents and had two other cases registered against him. He however concedes that the petitioner is in custody since 29.04.2023 and none of the

09 prosecution witnesses have been examined so far and that in the two other cases registered against him, he had been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the trial. The petitioner has been in custody since 29.04.2023. The investigation stands completed. However, none of the 09 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, **Sarabjeet Singh @ Sarba** son of Sh. Amarjit Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case other than the cases mentioned in this order.

10. The petitioner (or someone 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 the absence of the petitioner from Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

November 24, 2023

Vinay

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