

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

CRM-M-51855-2022
Date of Decision:-**20.02.2023**

HAPPY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Sumit Dua, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.180 dated 27.8.2022 registered under Sections 489-B and 489-C IPC at Police Station Bhattu Kalan, District Fatehabad.

The allegations in nut-shell are that initially police arrested co-accused Raj Kumar from whom police recovered 6 counterfeit currency notes of denomination of ₹100/-. Said Raj Kumar disclosed the name of the petitioner and the petitioner was arrested on 18.9.2022 and 8 counterfeit

currency notes of denomination of ₹100/- were recovered from his possession.

The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case on the basis of alleged disclosure made by co-accused Raj Kumar and he is in custody for the last more than 5 months and is having no other criminal case except for one under Section 138 Negotiable Instruments Act. The counsel for the petitioner further submits that after completion of investigation, police has presented challan but the report of FSL is still awaited. So prayer is made that the petitioner be granted concession of regular bail.

The instant petition is opposed by the State counsel, who on instructions from ASI Jaibir Singh apprised the Court that petitioner was not named in the FIR but later on arrested and 8 fake currency notes of denomination of ₹100/- were recovered from his possession. The State counsel has not disputed that the petitioner is in custody since last more than 5 months and that the police has presented the challan after completion of investigation but FSL report is still awaited and that the petitioner is not involved in any other case, except under Section 138 of Negotiable Instruments Act.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner was not named in the FIR and his name surfaced only in disclosure statement of co-accused Raj Kumar from whom police recovered 6 counterfeit currency notes of denomination of ₹100/- and thereafter the police has arrested the petitioner and the petitioner

is in custody since last 5 months. No doubt, the police has presented the challan but report of FSL is still awaited. It will take considerable time for the trial to conclude even after its commencement. Admittedly, the petitioner is not involved in any State case as is evident from the custody certificate.

In view of the above, no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

20.02.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No