

(211)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9720-2024
Date of Decision: 19.03.2024

VIKAS

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gaurav Singla, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.421 dated 07.11.2023 registered under Sections 420, 406, 120-B and 34 IPC, 1860 at Police Station Old Faridabad, District Faridabad.

2. The present FIR came to be registered at the instance of Gurudutt son of Ramesh and the same reads as under:-

“To, Respected SHO, Police station old Faridabad. Sir, it is requested that I Gurudutt S/o Ramesh R/o H.No.10/24 Bardh Mohalla and doing job in a private company. About one month ago I met Aakash @shiva s/o Suresh R/o Village Agrola Loni Tony City Ghaziabad and Vikas Kumar S/o Pardeep Kumar R/o Harad Fatehpur Shamli Uttar Pradesh in Old. Aakash @Shiva and Vikas told me the scheme for doubled the amount and after that they alluring me I went with Aakash @ Shiva and Vikas to Yamuna Nagar from old with my 5 lakh rs. For doubled the amount where Aakash @ Shiva and Vikas introduced me with Amit Saini who

prepared shows me 100 Rs. Notes prepared on blank papers in village Gudiyana and kept my money with him for the purpose of doubled it and when I refuse to Aakash @ Shiva and Vikas for doubled the money then the Aakash @ Shiva and Vikas assured me to return his money with in 2-3 days after doubled it and after that I came back after left the money with Aakash @ Shiva and Vikas. After two three days I called them for my money then they told me that when the Amit return your money after converted your money in new 100 denomination notes and doubled then we will give it to you. Till now they had not returned my money. After that I met with my friend Aadil S/o Islamuddin and he told me about the Aakash @ Shiva and Vikas and Amit and said they themselves forged the currency and doubled it. I have those 100x5 notes which Amit gave me in Ghaziabad and after that I told the Aadil that Aakash @ Shiva and Vikas and Amit used to cheat the innocent people by promising them to double the money and they had taken Rs. 5 lakhs from me. It is necessary to hand over them to police. After that I and Aadil called the Aakash Shiva and Vikas at old subzi mandi to double a sum of Rs. 1 lakhs and after that Aakash Shiva and Vikas came at old mandi for taking the money from the Aadil and we caught them and handed over to the police and 100 rs. denomination notes which Amit gave to Aadil in Ghaziabad also handed over to you. These people cheated the innocent people and took the money and they have big nexus. Strict legal action be taken against them. 07.11.2023 Sd: Gurudutt 7982236736.”

3. During investigation it transpired that the complainant had given Rs.5,00,000/- to Amit Saini alias Sonu alias Manas (granted interim anticipatory bail vide order dated 19.03.2024 passed in CRM-M-8606-2024) and out of that amount, Rs.2,00,000/- had been taken by the petitioner and

his co-accused Aakash and Shiva and the remaining Rs.3,00,000/- had been taken by Amit Saini alias Sonu alias Manas.

4. The learned counsel for the petitioner contends that taking the allegations to be correct, the complainant himself was a party to the proposed counterfeiting of currency. Be that as it may, as he was in custody since 07.11.2023 and none of the 08 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail moreso when he was a first-time offender and the case was triable by the Court of a Magistrate.

5. A reply dated 15.03.2024 by way of an affidavit of Monica, HPS, Asstt. Commissioner of Police, Women Safety Faridabad has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner and his co-accused cheated the complainant of a huge amount of money. Therefore, he was not entitled to the concession. He, however, concedes that the petitioner was a first-time offender, in custody since 07.11.2023, none of the 08 prosecution witnesses had been examined so far and that the case was triable by the Court of a Magistrate.

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

7. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this

would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant. ”

8. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 07.11.2023 and none of the 08 prosecution witnesses have been examined so far. The case is triable by the Court of a Magistrate. Therefore, the Trial of the present case is not likely to be concluded anytime soon. There are no serious apprehensions expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Vikas son of Pardeep Kumar is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- 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

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

19.03.2024

JITESH

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