

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-50982-2024 (O&M)
Date of Decision:- 16.12.2024

NANHE

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Garvit Mittal, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

Mr. Parminder Singh, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

1. Status report dated 14.12.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Karnal is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in the following case :-

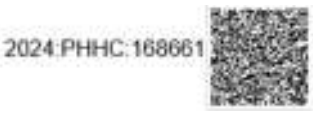
FIR No.	Dated	Sections	Police Station
182	08.05.2024	420 IPC; (489-B, 489-E, 120-B IPC added later on)	Butana Karnal



4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has no concern with the alleged transaction and has been falsely implicated in this case. He contends that the petitioner is in custody since 11.05.2024 and after the completion of investigation, challan has been presented in Court, wherein also, no specific overt act has been attributed to the petitioner. He submits that the petitioner is not having any criminal antecedents. Hence, prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant, on instructions from SI Subash Chander has not disputed the factual matrix regarding the factum of presentation of challan, however, submits that the petitioner was apprehended along with co-accused Banarsi by the Police and the petitioner has got recovered ₹6,000/- consequent upon his disclosure statement. Thus, learned State counsel as well as learned counsel for the complainant pray for dismissal of the petition on the ground that other co-accused are yet to be arrested.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, the petitioner along with co-accused were alleged to be instrumental in cheating the complainant by giving counterfeit currency notes. Admittedly, the petitioner was arrested along with co-accused Banarsi, however, from the possession of the petitioner, no counterfeit currency notes have been recovered and consequent upon his disclosure statement ₹6,000/- were recovered from the house of the petitioner. This part of the role attributed to the petitioner is



incorporated in the challan presented by the police for trial. From the record, it transpires that no specific overt role is attributed to the petitioner. After the completion of investigation, challan has been presented in Court in the present case, triable by the Court of Magistrate and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

16.12.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |