



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

CRM-M No.53622 of 2025 (O&M)

Reserved on: 15.10.2025

Date of Decision: 28.10.2025

Shamshad Chhoker

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.Mazlish Khan, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 3(5), 316(2), 318(4) of BNS [Section 61(2) of BNS added later on], the FIR No.180 dated 01.04.2025, has been lodged in Police Station Industrial Sector 29, Panipat, District Panipat. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition under Section 483 of BNSS for grant of bail.

2. Briefly stating the facts emerging from the record are that FIR of this case came into being on a complaint jointly submitted by Sahil Bajaj and Shankey Garg alleging therein that on 25.02.2025 the accused Rakesh Kumar Khurana had called the father of complainant Sahil's, namely Rattan Bhusan, and told him that there was a scheme wherein profit @ 10% can be booked if the currency notes of the denomination of Rs.500/- are given and in lieu



thereof currency notes of Rs.100/- and Rs.200/- are accepted. According to complainant, initially the proposal of Rakesh Khurana was declined by Rattan Bhusan, but later on, on account of insistence by the accused Rakesh Khurana, the complainant agreed to pay Rs. 1,50,00,000/- in cash, in the denomination of Rs.500/- currency notes, and accept the above mentioned amount and the profit in the form of currency notes of smaller denomination.

3. It was further alleged by the complainant that on 06.03.2025, at about 3.00 P.M. they were called by the accused Rakesh Khurana at Rasoi Dhaba near Park Hospital Panipat, and thereafter, they were taken to a residence for the exchange of currency notes but later on Rakesh Khurana fled from the spot along with cash and has not returned the money. It is the case of the prosecution that on the basis of above mentioned information formal FIR was lodged, and the investigation taken up.

4. Heard.

5. It has been contended on behalf of the petitioner that petitioner is innocent having no nexus, whatsoever, with the commission of crime and that he has been simply involved in the present case on the basis of a disclosure statement of co-accused, which was recorded in police custody. According to learned counsel for the petitioner the above mentioned disclosure statement of co-accused is inadmissible in evidence.

6. In addition to above, the learned counsel for the petitioner has also argued that the offence is otherwise triable by the Court of Judicial Magistrate and the trial is not likely to be concluded in near future. As per learned counsel for the petitioner the petitioner has already suffered a lot of



incarceration for being in custody for a period of more than 4 ½ months. According to learned counsel for the petitioner in view of above the petitioner is entitled for the benefit of bail.

7. Per contra, the learned State counsel has argued that *firstly*, the offence committed by the petitioner comes within the ambit of economic offence and *secondly*, there is direct evidence against the petitioner with regard to his involvement in the commission of crime. According to learned State counsel the disclosure statement suffered by the petitioner has led to recovery of money, i.e. a part proceeds of crime, and therefore, the disclosure statement suffered by the petitioner vis-a-vis his co-accused are admissible in law.

8. In addition to above, the learned State counsel has also argued that petitioner does not have clean antecedents, and that in addition to present case he is facing prosecution in three other cases also. According to learned State counsel the trial is at infant stage, and if the petitioner is released on bail he may influence the witnesses and tamper with the evidence.

9. The record has been perused carefully.

10. A perusal of the record shows that in the present case the subject matter of alleged forgery committed by the accused, has been quantified as Rs.1,50,00,000/-. The status report submitted by the State shows that out of above mentioned amount a sum of Rs.64,30,000/- has already been recovered. During the course of investigation, the recovery of such a huge amount of money, from the possession of petitioner, *prima facie* shows a nexus between the petitioner and the commission of crime. Since recovery from the possession of petitioner has taken place pursuant to the disclosure statement of



petitioner, *prima facie* the said disclosure statement seems to be admissible in evidence by virtue of Section 27 of Evidence Act 1872.

11. Be that as it may, in the present case, this fact cannot be ignored that the offence committed by the petitioner although triable by the Court Magistrate comes within the category of economic offence. The trial is still at infant stage and testimony of material witnesses is yet to be recorded. Thus, it is hereby held that, at this stage, the petitioner is not entitled for bail. Thus finding no merit in the present petition, the same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

28.10.2025
Manoj Bhutani

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