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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57514-2024 (O&M)
Date of Decision:- 21.01.2025

BANARSI SAH @ RAHUL

Versus

....Petitioner(s)

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Garvit Mittal, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

1. Status report dated 20.01.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Nilokheri, 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, having no criminal antecedents, is innocent and has been falsely implicated in this case. He contends that the petitioner has no concern with the alleged transaction nor had he indulged in the business of counterfeit currency notes. He further contends that no counterfeit currency notes had been recovered from the petitioner. The petitioner had been arrested on 11.05.2024 and since then he is in custody and after the completion of investigation, challan has been presented in Court, wherein also, no specific overt act has been attributed to the petitioner connecting him with the alleged crime. He further submits that similarly situated co-accused Nanhe has been granted the concession of bail by this Court vide order dated 16.12.2024 passed in CRM-M-50982-2024. Hence, prayed for grant of concession of bail to the petitioner.

5. On the other hand, learned State counsel referring to the status report filed by the State and on instructions from ASI Nirmal Singh has not disputed the factual matrix regarding presentation of challan and the fact that no counterfeit currency notes were recovered from the possession of the petitioner. He further admits that the case of the petitioner is at par with co-accused Nanhe (*supra*). He has, however, prayed for dismissal of the petition considering the gravity of offence.

6. After considering the rival contentions and perusing the record, it transpires that as per the allegations levelled by the prosecution, the petitioner along with co-accused were alleged to be instrumental in cheating the complainant by giving counterfeit currency notes. The petitioner was arrested by the police on 11.05.2024 and admittedly, no counterfeit currency



notes had been recovered from him. After the completion of investigation, challan has been presented in the Court. Admittedly, the case of the petitioner is at par with that of co-accused Nanhe, who has already been granted the concession of bail by this Court 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

21.01.2025
S.Sharma(syr)

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