



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

239+240

Date of decision: 31.01.2025

1. CRM-M-60149-2024

SHAHRUKH KHAN

....Petitioner

Versus

STATE OF HARYANA

...Respondent

2. CRM-M-61248-2024

ASHOK KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

3. CRM-M-61300-2024

ARUN KUMAR ALIAS LUCY

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Ms. Lalita Kashyap, Advocate for
Mr. Namit Khurana, Advocate
for the petitioner in CRM-M-60149-2024.

Mr. Nikhil Mittal, Advocate
for the petitioner in CRM-M-61248-2024.

Mr. D.S. Adlakha, Advocate
for the petitioner in CRM-M-61300-2024.



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Mr. Ramesh Kumar AAG, Haryana &
Mr. Harkesh Kumar, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. All the three petitions are decided by this common order, as similar prayer under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioners in case bearing FIR No.210, dated 09.08.2024, under Sections 178, 179, 180, 181, 182 and 61(2) of BNS registered at Police Station Chhachhrauli, District Yamuna Nagar has been made.
2. As per police report on 09.08.2024, SI Gurmej Singh No. 322/A alongwith his team was on patrolling duty when EHC Pankaj No. 471 met him and got recorded his statement to him. EHC Pankaj stated that he was on secret duty at Sherpur T-point, Poanta Sahib Road, Chhachhruali. A secret informer informed him that Shahrukh Khan (petitioner) S/o Istar and Arun @ Lucy S/o Sh. Brijmohan would come from the side of Bus Stand, Ledi with huge number of fake currency notes on Motorcycle make Splendor, without number plate and they would supply the said currency notes in Chhachhrauli and Yamuna Nagar. On finding the information to be reliable, SI Gurmej Singh alongwith him reached near T-Point Baloli Chhachhrauli-Ledi Road. Two persons, riding on Motorcycle make Splendor, colour black, were noticed coming on road leading to Ledi. The said persons were apprehended by him with the help of accompanying police officials. On inquiry, the motorcycle rider disclosed his name as Arun Kumar @ Lucy (petitioner) S/o Sh. Brijmohan R/o Village Hadoli, P.S. Chhachhauri, District Yamuna Nagar whereas the pillion rider disclosed his name as Shahrukh



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Khan (petitioner) R/o Village Ledi Khadar, P.S. Chhachhrauli, District Yamuna Nagar. Arun Kumar @ Lucy was searched personally in the presence of witnesses present there. On search, three bundles of currency notes of denomination of Rs.200 were recovered from capri worn by Arun Kumar @ Lucy. Two bundles containing 100 currency notes each of denomination of Rs.200/-. Fifty-five notes were present in third bundle of Rs.200/-. All the notes were having different numbers of series 8EW. The total amount of said fake currency notes was found to be Rs.51,000/-. On search of Shahrukh Khan (petitioner), who was pillion rider, two bundles of currency notes were recovered from lower worn by him. Both the bundles were having 100 currency notes of denomination of Rs.200/- and all the notes were having number of series 8EW. The serial number of all the notes were different. The total of the said fake currency notes came to be Rs.40,000. On matching the fake currency notes with original currency notes, the fake currency notes were found to be of smaller in size and colour of fake currency notes was little bit different. On the first glance, the currency recovered at the spot appeared to be fake. The inventory of the currency notes recovered from accused Shahrukh Khan (petitioner) and Arun @ Lucy were prepared separately. They were put in a plastic container and separate parcels were prepared with one seal bearing monogram 'RK'. Sample seal was prepared. Seal after use was handed over to EHC Pankaj. On asking, the accused told in slow tone that all the currency notes were fake.

3. Learned counsel for the petitioner Ashok Kumar submits that no offence under Sections 181 and 182 of BNS is made out against him, as fake currency was not recovered from his exclusive possession. Learned counsel for the



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other petitioners submits that it is a matter of trial, whether the petitioners were having knowledge about the alleged recovery of currency notes being fake or not and mere physical possession without the knowledge would not make them liable for the offences as alleged by the prosecution and the investigation of the case is complete, although the petitioner Shahrukh Khan is involved in two cases but he is on bail in those cases. They are behind the bars since 09.08.2024.

4. Per contra, learned State counsel filed the custody certificates, which are taken on record and opposes the prayer made by learned counsel for the petitioners on the ground that huge fake currency notes were recovered from the possession of the petitioner Shahrukh Khan and Arun Kumar, whereas, instruments, raw materials for making the fake currency notes were recovered from the petitioner Ashok Kumar.

5. Having heard the learned counsel for the parties and after perusing the custody certificates, it transpires that the petitioners are behind the bars from the last more than 05 months and Investigating Officer has already concluded the investigation and presented the final report and culpability, if any, would be determined at the time of the trial.

6. A two Judge Bench of Hon'ble Supreme Court in 'Satender Kumar Antil v. CBI' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of



offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

7. In view of the ratio of law laid down by Hon’ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and Anr.** 2020(1) RCR (Criminal) 831 and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others** 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

8. In view of the above, the present petitions are allowed and the petitioners namely Shahrukh Khan, Ashok Kumar and Arun Kumar @ Lucy are ordered to be released on regular bail, subject to their furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

31.01.2025
Amandeep

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