



1

CRM-M-63891-2024 (O&M)

218

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63891-2024 (O&M)

Date of Decision: 08.01.2025

GURJEET SINGH

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Neeraj Sansaniwal, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.1052 dated 28.11.2022, registered for the offences punishable under Sections 489-B and 489-C of IPC at Police Station Sirsa City, District Sirsa, Haryana.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To, SHO, Police Station City Sirsa, Jai Hind "Today I SI along with HC Sant Kumar No. 1196/Sirsa, HC Harjeet Singh No. 869/Sirsa along with SI. Gurpreet Singh No. 1165/Sirsa, SI. Sandeep 860/Sirsa along with government vehicle HR 24AC 5555 driver EHC Binder Singh no. 490 with personal laptop printer were present for patrolling near Auto market Sirsa when a special informer met us and told that in Sirsa three young boys named Mukesh alias Monu son of Pala Ram resident of village Balasar Raniya, currently tenant of Guru Nanak Nagar Sirsa, Gurmeet Singh son of Mahendra Singh resident of Bhadra district Sirsa and Shankar Lal son of Hari Ram resident of Bhadra district Sirsa ride on scooty JUPITER grey colour number HR44M 3858 and give 400 rupees of 1000 rupees to innocent people in Auto market and Kirti Nagar area in fake 200/200 rupee notes with fake number in exchange of real 400 rupees. Those persons have just gone from Auto Market towards Kirti Nagar area. If a quick raid is conducted on them, a large number of fake notes of Rs 200/- can be recovered from them. The SI, considering the information to be true and credible, started patrolling the lanes of Kirti Nagar Area. During the patrolling, when we were going from Begu Road via Ram Gali towards Auto Market Sirsa, when we reached near the T-



CRM-M-63891-2024 (O&M)

point turn near Ashoka Cloth House, a Scooty JUPITER with grey colour number HR44M 3858 came from the front on the T-point turn, on which three young boys were riding. Who, on seeing the police vehicle coming from the front, suddenly started turning his scooty JUPITER (grey coloured number HR44M 3858) back and due to high speed the scooty JUPITER (grey coloured number HR44M 3858) suddenly slipped, on the basis of suspicion, I lifted them with the help of a fellow employee and asked the name and address of the driver boy of the scooter (grey coloured number HR44M 3858), the driver told his name as Mukesh alias Monu son of Pala Ram resident of village Balasar Raniya, currently tenant in Guru Nanak Nagar Sirsa. When the driver boy was asked about the injuries he sustained due to the sudden fall, he told that I am fine now but there are some scratches and blood is oozing out from the first finger and second finger of my left hand. And the second boy who had fallen on the road was picked up and asked for his name and address, he told his name as Gurmeet Singh son of Mahendra Singh resident of Bhadadra district Sirsa. When he was asked about the injuries sustained due to the sudden fall, Gurmeet said that I am fine. And the third boy who had fallen on the road was picked up and asked for his name and address, he told his name as Shankar Lal son of Hari Ram resident of Bhadadra district Sirsa. When Shankar Lal was asked about the injuries sustained due to skidding of the scooter and about his condition, he told that I have bruises on my right shoulder due to rubbing on the road. There are bruises on the lower side also and there is a bruise on the back of my left heel due to rubbing but now I am fine. All three got scared. When I asked them the reason for getting scared and the reason for turning the scooty back, all three did not speak for some time and then all three said in one voice that they have fake currency notes. On which the SI searched the scooty, and the three young boys as per the rules, and found 200 rupees currency notes in a black envelope in the scooty's trunk. When the recovered notes were checked thoroughly, a difference was found between the paper of the real notes and the fake notes. The serial number E was not engraved in red colour between the note numbers and a difference was also found in the colour of the notes. The printing of numbers on those notes was not found rough. When the numbers of those notes were checked, same number was found on 3/3,4/4,5/5,6/6 and 7/7 notes and on many notes, when the recovered fake currency notes were counted, a total of 255 fake currency notes of Rs 200 each were found, which made fake currency notes worth a total of Rs 51000. The recovered fake currency notes were put in the same black colour envelope, a palanda cloth was prepared and it was stamped with stamp DR/3 and a complete seal was prepared. The palanda notes, fake currency and scooty JUPITER of grey colour number HR44M 3858 were seized by the police through property sizioire memo. The accused and witnesses put their signatures on the property sizioire memo. The sample seal after using and keeping the seal was handed over to HC Sant Kumar. When the accused were questioned about the fake notes, all the three accused told in one voice that we received these notes from, Guri, resident of near Patiala Bus Stand, and stated that we used to get these fake currency notes from near Patiala Bus Adda by talking on Mobile No. 75899-54674 and 95693-22363. Because the accused Mukesh alias Monu son of Pala Ram resident of village Balasar Raniya, currently tenant of Guru Nanak Nagar Sirsa, Gurmeet Singh son of Mahender Singh resident of Bhadra district Sirsa and Shankar Lal son of Hari Ram resident of Bhadra district Sirsa by keeping fake currency notes in their possession and Gurri resident of Patiala by giving fake currency notes to the above three have committed the crime under section 489B, 489C IPC, a written complaint is being sent to the police station by SI Sandeep 860/Sirsa, please inform through the complaint number mentioned in the complaint. I SI along with my fellow employees along with the accused along with the goods of the case are at the spot for the case. Another investigating officer



CRM-M-63891-2024 (O&M)

of the case should be sent to the spot. Near Ashoka Cloth House, Ram Gali, T Point, Sirsa. Sd/- Dataram SI Dataraman. 183/H IC ANC Sirsa DT.28.11.2022 AT.03.30 A.M Today, after arrival at police station, the above case has been registered and the copy of the original complaint is being sent to the spot by the police constable to the SI. For the second investigator, ASI Krishna Gopal 1088/Sirsa Police Post Incharge Kirti Nagar Sirsa was informed about reaching the spot over phone. Copies of the FIR will be prepared and sent to the service of Senior officers and area magistrate.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.09.2024. Learned counsel for the petitioner has submitted that there was no recovery of counterfeit notes from the petitioner and the petitioner has been implicated primarily on account of disclosure statement made by the co-accused. Learned counsel for the petitioner has further submitted that a laptop and a printer, which is alleged by the police to have been used for printing counterfeit currency notes, have also been allegedly recovered at the instance of the petitioner, but the same are ordinary computer related equipments which are available in more or less every household these days. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 22.09.2024 whereinafter investigation was carried out & challan was presented on 18.11.2024. Total 14 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; regarding the evidence available in the prosecution case against the petitioner; whether the petitioner has been implicated solely on the basis of

the disclosure statement made by the co-accused & effect of alleged

**CRM-M-63891-2024 (O&M)**

recovery of computer/laptop/printer at the instance of the petitioner; shall be gone into during the course of trial. These are debatable issues which are essentially require ratiocination during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 08.01.2025 filed by the learned State counsel, the petitioner has suffered incarceration for about 03 months and 15 days. As per the said custody certificate, the petitioner is said to be involved in other FIR(s) also. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012(1) R.C.R. (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das vs. State, 1998(2) R.C.R. (Criminal) 477*** & judgments of this Court in ***CRM-M-38822-2021*** titled as ***Akhilesh Singh vs. State of Haryana***, decided on 29.11.2021 and ***Balraj vs. State of Haryana, 1998(3) R.C.R. (Criminal) 191***. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

**CRM-M-63891-2024 (O&M)**

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqha Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the



CRM-M-63891-2024 (O&M)

State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

08.01.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No