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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ BAIL APPLN. 854/2025

HIMANSHU JAIN .....Petitioner

Through: Mr. Rohit Kumar, Mr. Manoj Manderna, Mr. Naveen Kumar and Mr. Lalit Nagar, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI .....Respondent

Through: Mr. Amit Ahlawat, APP. SI Governor Singh and ASI Vinay Tyagi, P.S. ER-1, Crime Branch.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **20.05.2025**

1. The present application under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (corresponding to Section 439 and Section 482 of the Code of Criminal Procedure, 1973[2], respectively) seeks regular bail in FIR No. 226/2023 under Section 489B, 489C, and 34 of the Indian Penal Code, 1860[3], registered at P.S. Crime Branch, Delhi. Subsequently, a chargesheet has also been filed *qua* the Applicant under Sections 498A, 498B, 498C, 498D, 120B and 34 of the IPC.

2. Briefly stated, the case of the prosecution is as follows:

2.1. On 22nd September, 2023, secret information was received by ASI Ajay Kumar at the office of ER-1, Crime Branch, that one person namely Shakoor Mohammad would be visiting near Akshardham Metro Station, along with his accomplice, Lokesh Yadav, for delivery of high-quality

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[1] "BNSS"
[2] "Cr.P.C."

counterfeit Indian currency. On the basis of the said information, a team was despatched to the scene and one police constable posed as a decoy customer to lure Shakor Mohammed and Lokesh Yadev and strike a deal with them for supply of counterfeit currency. When the two persons came to the spot to hand over the counterfeit money, they were apprehended. Upon search, Fake Indian Currency Notes[4] amounting to ₹5 Lakhs were recovered from Shakoor, whereas FICN amounting to ₹1 Lakh was recovered from Lokesh Yadev. Accordingly, the subject FIR was registered, and investigation was taken up. Both the Applicant and Lokesh were arrested 23rd September, 2023.

2.2. During interrogation, they disclosed that Himanshu Jain, the Applicant herein, gave them the recovered FICN of ₹6 Lakhs with instructions to exchange the same in Delhi. CDR analysis of the mobile numbers of the apprehended accused persons indicated that there was an active link between them and the Applicant.

2.3. The raiding team then dispatched to Ajmer, and the police arrested the Applicant near the Jaipur Road, Ajmer. At the time of his arrest, FICN of ₹1 Lakh was recovered from the dashboard of his car. The Applicant's Maruti Swift Car, which was used in the commission of the crime was also seized.

2.4. On being interrogated, the Applicant stated that FICN of ₹7 Lakhs was actually given to him by Shakoor Mohammed, after procuring it from one Shiv Lal. Thereafter, the Applicant had given FICN of ₹6 Lakhs to the co-accused Shakoor and Lokesh for exchanging it in Delhi and kept the remaining 1 Lakh with himself.

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[3] "IPC"
[4] "FICN"

2.5. During the course of investigation, two other co-accused persons – Shiv Lal and Sanjay were arrested in Ajmer on the basis of disclosure statements of the Applicant and Shakoor Mohammed, as well as technical surveillance of their mobile numbers.

2.6. The CDR analysis of the mobile numbers of all of the accused persons, including the Applicant, confirmed that they were in constant touch with each other. In fact, it was found that the mobile phone recovered from co-accused Lokesh Yadev had 2 SIM cards, both of which were procured by the Applicant. While one SIM card was registered in the name of the Applicant, the other was registered in the name of one Afsal Abdul Zaffar, albeit with the registered address being that of the Applicant.

2.7. All accused persons were interrogated and confronted with one another's version of accounts in order to unearth the large scale conspiracy of manufacturing counterfeit currency. It was thus revealed that to print the FICN, a clandestine set-up had been established by the accused persons in Ajmer, Rajasthan. It was further revealed that Shiv Lal, Sanjay and Shakoor were tasked with printing of the counterfeit currency. Shakoor used to also give a fine touch to the printed currency with the help of chemicals and ink. On the other hand, the Applicant and co-accused Lokesh were tasked with exchanging the fake currency with genuine currency notes.

2.8. At the instance of co-accused Shakoor and Shiv Lal, a raid was conducted at a house in Ajmer where a substantial amount of FICN and other material to print the FICN – including water mark paper, laptop, printer, lamination material, chemicals and other incriminating material were recovered. Furthermore, on 27th September, 2023, at co-accused Shakoor's instance, other incriminating material such as FICN amounting to

₹1,29,500, a CPU, coloured printer, etc. were recovered from his rented accommodation in Ajmer. Accordingly, the recovered FICN was then sent to the Bank Note Press, Dewas, Madhya Pradesh for expert opinion on their genuineness and as per the report received, the recovered FICN were indeed found to be counterfeit.

2.9. During investigation, it was also found that Shakoor, Shiv Lal, Sanjay and others are wanted in a similar FIR registered at P.S. Beawar City, Rajasthan, being FIR no. 745/2023, also for offences under Sections 489B, 489C, 120B and 34 of IPC, and wherein the accused persons had similar *modus operandi*.

3. In view of the above, counsel for Applicant seeks bail raising the following contentions:

3.1 The Applicant has been falsely implicated in the present case. His involvement has only been indicated on the basis of disclosure statements of the co-accused Shakoor and Lokesh.

3.2 The Applicant is entitled to be granted bail on the ground of parity with another co-accused – Sanjay, who was granted bail by this Court *vide* order dated 9th January, 2025 passed in Bail Appln. no. 3502/2024.

3.3. At the time of his arrest, with the intention of falsely implicating him, the police officials planted the allegedly recovered FICN amounting to ₹1 Lakhs in the car of the Applicant. No public person was made a witness to the search and seizure of the Applicant and his car, which was conducted on a busy road and despite a number of persons being present at the spot. There is no explanation for non-joinder of independent witnesses furnished in the entire chargesheet. Therefore, the said search and seizure cannot be relied upon. Moreover, for the sake of argument, even if it is assumed that the recovery is valid, the same would only attract Section 489C of the IPC, which is a bailable offence.

3.4. On the basis of the alleged disclosure statement of the Applicant, the police officers apprehended the other co-accused Shiv Lal and Sanjay. Thereafter the raids were conducted at the two premises in Ajmer where the police allegedly recovered equipment/tools used in printing/manufacturing FICN. However, it must be highlighted that the said raids were conducted in front of formal witnesses – i.e., police officers and no attempt was made to enjoin an independent public person as witness to the said alleged recovery.

3.5. The Applicant has no previous convictions and is not a habitual offender. He is the sole breadwinner for his family and is responsible for their well-being. Due to the present case, the Applicant has been in custody since 23rd September, 2023, investigation is complete, and chargesheet stands filed. Pertinently, the charges in the present case have been framed only recently, pursuant to orders passed by this Court. As such, considering the number of witnesses noted, the trial in the case is likely to take some time. In these circumstances, the Applicant's continued incarceration would amount to preventive detention at the pre-trial stage, thereby depriving him of his personal liberty as enshrined under Article 21 of the Constitution of India.

4. On the other hand, Mr. Amit Ahlawat, APP for State, strongly opposes the present bail application. He points out that the case of the Applicant is different from that of co-accused Sanjay, who has been granted bail by this Court and therefore the principle of parity is not applicable in the present case.

4.1. He submits that Applicant is an active member of the counterfeit syndicate and has indulged in printing and distributing counterfeit currency in Rajasthan and Delhi. Mr. Ahlawat points out that initially co-accused gave the Applicant FICN of ₹7 Lakhs after receiving it from Shiv Lal, however, subsequently the Applicant kept ₹1 Lakh with himself and instructed Shakoor and Lokesh to go to Delhi and supply the remaining FICN of ₹6 Lakhs. Moreover, at the time of his arrest, the said FICN amounting to ₹1 Lakh retained by him, was recovered from the dashboard of his car, which was also subsequently seized. Therefore, he was in conscious possession of the same. The former owner of the car has confirmed that Himanshu was the person who bought the seized car.

4.2. Moreover, he submits that investigation has revealed that the role of the Applicant in the syndicate was to find customers and exchange fake currency for genuine currency notes. Once the Applicant would find a suitable buyer, he would then take FICN from co-accused Shiv Lal or Shakoor and sell/distribute it forward. Further, the Applicant provided SIM cards to the co-accused Lokesh Yadev after getting the same registered under a fake name.

4.3 The CDR analysis has also linked the Applicant with other co-accused persons, indicating his clear and active connivance. Pertinently, the Applicant was not cooperating with the investigating and even attempted to derail the investigation at many instances. If he is released on bail, he may tamper with the evidence or influence witnesses or otherwise jeopardize the trial. There is also every possibility that he may indulge in the commission of such organised crime again. Therefore, in light of the substantial evidence found against the Applicant, it is urged that the Applicant ought not to be granted bail.

5. The Court has considered the aforenoted contentions urged by the parties. Since the Applicant has placed reliance on the principle of parity with co-accused Sanjay, it becomes necessary to assess whether their roles are comparable. While granting bail to Sanjay *vide* order dated 9th January, 2025 in Bail Appln. No. 3502/2024, this Court had noted that the investigation *qua* him was complete, and the role ascribed was limited, absent any direct linkage to the manufacturing process.

6. In the present case, on a perusal of the material on record, it emerges that the role of the Applicant was also limited, similar to that of Sanjay. The prosecution has not been able to demonstrate *prima facie* material to indicate that the Applicant was also involved in printing or manufacturing of the counterfeit currency, unlike Shiv Lal and Shakoor Mohammed. Moreover, the specific role ascribed to him is that of facilitating the distribution/sale/exchange of FICN by finding and bringing in customers and selling/exchanging the FICN with genuine currency notes. At the time of his arrest, the Applicant was apprehended with FICN of ₹1 Lakh, but no other incriminating material was found at his instance.

7. Further evidence against the Applicant is based on the disclosure statements made by the Applicant and the co-accused persons as well as the CDR connectivity between him and all of the accused, which shows that he was in regular contact with them for a long time.

8. It is well established that the mere disclosure statements of co-accused persons without any subsequent relevant recovery or corroborating material, is not *prima facie* point to the guilt of the accused. The evidentiary value of these statements would have to be examined during the course of trial. Moreover, even though the prosecution has pointed out that the Applicant

was an important member of the syndicate, in the opinion of the Court, mere CDR connectivity with the co-accused, without any other corroborating material of his active involvement as a key member of the syndicate, cannot be the sole ground to deny him bail at this stage.

9. It is further important to note that the Applicant has no prior antecedents and unlike other co-accused, he has not been apprehended in the similar case instituted in Rajasthan for using/possessing counterfeit currency, involving a similar *modus operandi*.

10. In view of the nature of the evidence, this Court finds that the Applicant's role is similar to that of co-accused Sanjay and that he was a peripheral actor of the larger syndicate involved in printing/manufacturing and distributing counterfeit currency. Therefore, the plea of parity is accepted.

11. As per the nominal roll, the Applicant has been in custody as an under-trial for a period of 1 year and 5 months as on 26th March, 2025 and the investigation *qua* him has concluded and the trial has commenced. It is well settled that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial[5].

12. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty Metropolitan Magistrate/ Jail Superintendent, on the following conditions:

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[5] See also: ***Sanjay Chandra v. CBI***, (2012) 1 SCC 40; ***Satender Kumar Antil v. Central Bureau of Investigation***, (2022) 10 SCC 51.

a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;

b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;

c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;

d. The Applicant shall appear before the Trial Court as and when directed;

e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

13. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

14. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and should also not be taken as an expression of opinion on the merits of the case.

15. The bail application is allowed and disposed of in the afore-mentioned terms.

SANJEEV NARULA, J

MAY 20, 2025/as