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

+ **BAIL APPLN. 3502/2024**

SANJAY

.....Petitioner

Through: Mr. R.R. Jangu, Mr. K.R. Jangu,
Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the
State with Karandeep Singh,
Advocate along with S.I. Governor
Singh, PS ER-I, Crime Branch, Delhi

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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09.01.2025

1. The present application has been filed seeking regular bail in case FIR No. 226/2023 under Section 489B/489C/34 of the Indian Penal Code, 1860¹ registered at PS Crime Branch, Mayur Vihar Phase-1, Delhi.
2. In brief, the case as presented by the Prosecution is as follows:
 - 2.1 On 22nd September, 2023, secret information was received by ASI Ajay Kumar at office of ER-1, Crime Branch, that one person namely Sakoor Mohammad of Nagaur, Rajasthan along with his accomplice, Lokesh Yadav, would be supplying counterfeit Indian Currency. A raid was conducted, an FIR was lodged and the aforementioned persons were arrested. During the course of investigation, the Petitioner along with his brother

¹ "IPC"



namely, Shiv Lal was arrested from Ajmer in car bearing no, RJ-01-CE 1227 which belongs to the Petitioner herein. While Rs. 1,00,000/- fake Indian currency notes were recovered from co-accused Shiv Lal, Rs. 50,000/- fake Indian currency notes were recovered from the Petitioner. The Petitioner and his brother i.e., co-accused Shiv Lal were engaged in the illegal business of printing fake Indian currency notes and the car of Petitioner was being used for supplying said notes.

2.2 At the instance of co-accused Shiv Lal, police raided the place where fake currency notes were being printed by the accused persons in Ganesh Wadi, Panchsheel Nagar and Shastri Nagar Main Road, Janana Road, Ajmer, Rajasthan. From the said place, fake Indian currency notes of value Rs.10,72,000/-, one laptop, one desktop, CPU, mouse, three coloured printers, two laminators, security thread, uncut sheets of printed Rs. 500, cutter, chemical and ink, two pen drives, frame, waste paper strips etc. and other articles of preparing currency notes were recovered. During the raid Aadhar card and PAN card of Petitioner were also recovered and it was revealed that present premises were rented out by Petitioner and the rent was being paid to the landlord by him through phone pay app with his mobile number.

2.3 CDR of Petitioner was obtained and it was found that all the accused persons including present Petitioner were in constant touch with each other.

2.4. The Petitioner herein is a habitual offender who is already involved in similar case *vide* FIR bearing no. 745/2023 under Section 489B/489-C/120-B/34 of the IPC, Police Station Beawar City, District Beawar, Rajasthan.

3. In view of the foregoing, APP for the state strongly opposes the instant bail application.



4. On the other hand, counsel for the Petitioner, contends that accused has been falsely implicated in this case and is in Judicial custody since 24th September, 2023. It is argued that Applicant has not been named in the present FIR and alleged recovery against him was planted by the police. Moreover, investigation is already complete and chargesheet has also been filed and as such no purpose would be served by keeping him behind bars.

5. The Court has duly considered the contentions raised by the parties. The Petitioner is in judicial custody since 24th September, 2023. Chargesheet in the present case has already been filed and the Petitioner is not required for any further investigation. The Supreme Court, in various decisions,² has reiterated that the object of bail is to secure the attendance of the accused at the trial. The proper test to be applied on the question of whether bail should be granted or refused is whether it is probable that the party will appear to take his trial. It is indisputable that bail is not to be withheld as a punishment. Furthermore, the fundamental right to speedy trial has been enshrined in Article 21 of the Constitution of India, 1950. In the present case, the chargesheet was filed on 19th December, 2023 and more than one year has lapsed and charges are yet to be framed. Thus, the trial is nowhere near conclusion. It must be kept in mind that the Petitioner is still an accused and not a convict and his prolonged incarceration cannot be allowed. In view of the said facts and circumstances, and without commenting on the merits of the case, the Court is of the opinion that the Petitioner is entitled to be admitted on bail.

6. It is accordingly directed that the Petitioner shall be released on

² *Gurbaksh Singh Sibba v. State of Punjab* (1980) 2 SCC 565; See also: *Sanjay Chandra v. CBI* (2012) 1 SCC 40



regular bail on furnishing a personal bond in the sum of INR 50,000/- along with one surety of the like amount to the satisfaction of the concerned Court/ Metropolitan Magistrate, subject to the following conditions:

6.1 The Petitioner will not leave the country without prior permission of the Court.

6.2 The Petitioner shall provide permanent address to the Trial Court. The Petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in his residential address.

6.3 The Petitioner shall appear before the Court as and when the matter is taken up for hearing.

6.4 The Petitioner shall provide all mobile numbers to the concerned IO, which shall be kept in working condition at all times. The Petitioner shall not switch off his phone or change his mobile number without prior intimation to the concerned IO.

6.5 The Petitioner will report to the concerned IO on the second and fourth Friday of every month, at 4:00 PM, and will not be kept waiting for more than an hour.

6.6 The Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

7. Needless to state, observations, if any, concerning the merits of the case are solely for the purpose of deciding the question of grant of bail and shall not be construed as an expression of opinion on the merits of the case.

8. A copy of the order be sent to the Jail Superintendent for information and necessary compliance.

9. With the foregoing directions, the present application is disposed of.



Pending application(s), if any, are disposed of as infructuous.

SANJEEV NARULA, J

JANUARY 9, 2025