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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3837/2025**
FAZILPetitioner

Through: *Appearance not given.*

versus

THE STATE GOVT. OF NCT OF DELHIRespondent
Through: **Mr. Aashneet Singh, APP.**
SI Omkar Singh T.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
% **26.11.2025**

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 319/2024 registered under Section 179/180/61(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Kamla Market.

2. The case of the prosecution, in brief, is as follows:

2.1. On 8th August 2024, acting on secret information that two individuals involved in the circulation of Fake Indian Currency Notes⁴ would arrive near Gandhi Market roundabout, Kamla Market, a police raiding team apprehended the Applicant, Fazil, who was driving a brown scooty, along

¹ "BNSS"

² "Cr.P.C."

³ "BNS"

⁴ "FICN"



with co-accused Mohsin, who was riding pillion. A search of the bag carried by Mohsin led to the recovery of 40 bundles of counterfeit Indian currency notes of INR 100 denomination, totalling INR 3,98,990/-.

2.2. During initial questioning, the both the accused disclosed that the notes were to be handed over to persons named Sameer and Azhar, with whom they had earlier transacted. They further stated that the recovered consignment had been given to them by one Mohammad Jubair @ Sonu, a resident of Bulandshahar, who is part of their syndicate.

2.3. On the basis of disclosures by the Applicant and Mohsin, the motorcycle of Jubair @ Sonu was seized from Hapur, and though he initially evaded arrest, Jubair was subsequently apprehended two months later. During police custody a note-printing machine was recovered at his instance. The counterfeit notes and the machine were sent to FSL, which confirmed the notes to be fake. Chargesheet and supplementary chargesheet have been filed.

3. Counsel for the Applicant submits that the Applicant has been falsely implicated. He had no knowledge of the counterfeit currency allegedly carried by co-accused Mohsin, stating that he was merely driving the scooty from Bulandshahr to Delhi at Mohsin's request. No specific role has been attributed to the Applicant, and the recovery was not effected from him. The investigation stands concluded; both the chargesheet and supplementary chargesheet have been filed, and the Applicant is no longer required for custodial interrogation. The Applicant also seeks parity, noting that co-accused Jubair @ Sonu, from whom the alleged printing machine was recovered, has already been granted bail by this Court.

4. *Per contra*, Mr. Aashneet Singh, APP for the State, opposes the bail



application, submitting that the Applicant is an active member of a syndicate involved in printing and circulating FICN, which is a grave economic offence. It is urged that his release may enable him to influence witnesses or obstruct the ongoing prosecution, and there remains a real apprehension of his absconding or re-engaging in similar activities.

4. The Court has considered the facts and the submissions advanced. As per the nominal roll, the Applicant has been in custody since 8th August, 2024. The investigation is complete and chargesheet stands filed. In these circumstances, further custody of the Applicant is not necessary for the purposes of investigation.

5. On merits, it is noted that no fake currency was recovered from the Applicant. The prosecution case against him is essentially based on disclosure statements and the tip-off of a secret informer. Whether the Applicant had any conscious role in the syndicate or shared a common intent with the co-accused are matters that the prosecution must establish through substantive evidence at trial. At this stage, the absence of direct recovery and the limited nature of the material linking him to the alleged conspiracy weigh in favour of granting bail to the Applicant.

6. The Court also notes that co-accused Jubair @ Sonu, from whom the alleged printing machine was recovered, has already been granted bail by this Court on 19th August, 2025. The principle of parity, therefore, is also a relevant consideration in the Applicant's favour.

7. Any apprehension expressed by the State regarding the possibility of the Applicant absconding or tampering with witnesses can be sufficiently addressed through imposition of stringent conditions.

8. It is well established through catena of judgments by the Supreme



Court 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 Therefore, having regard to the aforementioned facts and legal principles, the Court is inclined to enlarged the Applicant on bail.

9. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- 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.
- g. The Applicant shall report to the concerned PS on first Friday of

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



every month;

10. 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.

11. 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 also not be taken as an expression of opinion on the merits of the case.

12. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

NOVEMBER 26, 2025/as