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

% ***Date of Decision : 03.11.2026***

\# **CNR No. DLHC010389362026**

\+ **BAIL APPLN. 3445/2026**

SHIV LAL .....Petitioner

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

versus

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

Through: Ms. Priyanka Dalal, APP for State with ASI Vinay Tyagi, PS Crime Branch ER-1.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*ORAL*)

1. The present application has been filed by the applicant/ petitioner seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') in the case arising out of FIR No. 226/2023 under Sections 489A/489B/489C/489D/120B/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S. Crime Branch (Delhi). The trial is pending before the learned Additional Sessions Judge-02, East, Karkardooma Courts, Delhi in SC No. 1190/2024.

2. The present application for bail is the third bail application filed on behalf of the present petitioner/applicant before this Court.

3. The previous bail application filed on behalf of the applicant was dismissed by a coordinate Bench of this Court *vide* order dated 24.07.2025 in

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BAIL APPLN. 809/2025. The relevant portion of the said order reads as under:

> 10. In view of the substantial recoveries and evidence obtained during the investigation, the Applicant's plea of false implication lacks merit. The chargesheet clearly indicates that the recoveries were made pursuant to his disclosure statement. Accordingly, the Applicant's involvement in the operation is materially distinct from that of Sanjay and suggests a deeper, more active role in the alleged offence.
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> 11. The offences alleged in the present case are grave and carry a maximum punishment of life imprisonment under Sections 489A to 489D of the IPC. The Court is mindful of the fact that such economic offences, involving printing and circulating counterfeit currency at such a large scale, has major implications in terms of national economic security. As held by the Supreme Court in the case of ***Y.S. Jagan Mohan Reddy v. C.B.I.***[6], economic offences of such nature must be treated with severity, given their potential to erode public trust in institutions. Moreover, cases such as the present one, where the evidence points to there being a well-structured organised crime syndicate involved in such activities, have far-reaching implications on public confidence[7]. Moreover, the Applicant has prior criminal antecedents, including one case involving circulation of FICN using similar methods, and three other FIRs relating to fraud and leaking of a government examination paper. These records point toward a repeated pattern of unlawful conduct.
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> 12. Thus, considering the substantial evidence collected at the instance of the Applicant, which establishes his active involvement in the alleged offence, the Court is not inclined to grant the relief sought in the present application.
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> 13. Accordingly, the present application is dismissed.

4. Thereafter, another bail application which was preferred by the applicant, being BAIL APPLN. 4910/2025, was disposed of as '*not pressed*' *vide* order dated 10.03.2026. The same reads as under:

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1. After hearing arguments for some time, learned counsel for the applicant, without prejudice to his rights and contentions, does not press the present application. He, however, seeks direction to prosecution to examine material recovery witnesses, without any further delay. He submits that next date of hearing before the learned Trial Court is 09.04.2026 and the prosecution be directed accordingly.

2. Learned Addl. P.P. for the State submits that it will be ensured that the material recovery witnesses are produced before the learned Trial Court for recording of their evidence on the next date of hearing.

3. In view of the above, the present application is disposed of, as not pressed.

4. All rights and contentions of the parties are reserved. Liberty to file application afresh is also granted.

5. It is noticed that the order dated 10.03.2026 records the submissions of the learned APP for the State to the effect that the material recovery witnesses will be produced before the trial Court for recording of their evidence.

6. The case of the prosecution, as per the Status Report, is that, on 22.09.2023, counterfeit currency notes were recovered from the accused Sakoor Mohammad and Lokesh Yadav. On 24.09.2023, the applicant, Shiv Lal, was arrested in Ajmer, Rajasthan and counterfeit notes amounting to Rs. 1,00,000/- were recovered from him. Importantly, the Status Report, *inter alia*, records as under:

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On 27.09.2023 at the instance of accused Shivlal and Sakoor Mohmmad, a raid was conducted at H.No. 1047, Ganesh Wadi, Panchsheel Nagar, Ajmer, Rajasthan and fake currency and incremental materials i.e. FICN amounting to Rs. 1,28,500 in the denomination of Rs. 500, one sided printed uncut sheets (808 numbers) of Rs. 500 denomination amounting to Rs. 4,04,000/-, two sided printed uncut sheets (205 numbers) of Rs. 500 denomination amounting to Rs. 4,10,000/-, Water mark paper (111), laptop, printer, lamination machine, chemical and other incremental material were recovered and seized from the spot. Further, on 27.09.2023 at the instance of accused Sakoor Mohmmad, FICN amounting to Rs. 1,29,500, one CPU, coloured printer and other incremental material were recovered and seized from his rented house at H.No. 24, Swatantar Janana Road, Ajmer, Rajasthan. Notice to owner of rented accommodation used in the commission of crime was given and his statement u/s 91 Cr.P.C. was recorded.

All the recovered & seized FICN were sent to Bank Note Press, Dewas, Madhya Pradesh for expert opinion and were declared counterfeit by the agency. Also seized digital & other material were also sent to FSL Rohini and result is still awaited.

During course of investigation, it was revealed that accused Shivlal, Sakoor Mohmmad, Sanjay Godhara and others have been wanted in case FIR No. 745/23 u/s 489B/489C/120B/34 IPC, PS Beawar City, Distt. Beawar, Rajasthan in same modus operandi. All the accused were later arrested by Rajasthan Police. Accused Shivlal was also found absconding in Rajasthan paper leak case and NBW was issued against him.

It is pertinent to mention here that accused persons namely Shivlal, Sakoor Mohmmad and Sanjay Godara were also arrested in another Case FIR No. 745/2023, U/S 489B/489C/120B/34 IPC, PS- Beawar City, Distt-Beawar, Rajasthan, and accused Shivlal and Sakoor Mohammad were running in judicial custody.

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It may be mentioned here that bail of accused Lokesh Yadav, Sanjay Godara and Himanshu have granted by the Hon'ble Delhi High Court.

SPECIFIC ROLE OF APPLICANT/ACCUSED SHIVLAL AND GROUNDS FOR OPPOSING HIS BAIL APPLICATION

1. At the time of arrest from Applicant/accused Shivlal FICN amounting Rs. 1 Lakh has been recovered from his possession.
2. During the course of investigation, on 27.09.2023 at the instance of accused Shivlal, FICN amounting to Rs. 1,28,500 in the denomination of Rs. 500, one sided printed uncut sheets (808 numbers) of Rs. 500 denomination amounting to Rs. 4,04,000/-, two sided printed uncut sheets (205 numbers) of Rs. 500 denomination amounting to Rs. 4,10,000/-, Water mark paper (111), laptop, printer, lamination machine, chemical and other incremental material were recovered and seized from H.No. 1047, Ganesh Wadi, Panchsheel Nagar, Ajmer, Rajasthan.
3. He is an active member of the syndicate indulged in printing and distribution of counterfeit currency in the area of Rajasthan and Delhi. His role was to look for the customer and exchange the fake currency with genuine one.
4. CDR analysis of the mobile/calling No. 9950555893 & 9256508646 recovered from applicant/accused clearly reveals that he remained in constant touch with other accused persons since long, which indicates his clear and active connivance in the present case.
5. As mentinod earilier case FIR No. 745/23 u/s 489B/489C/120B/34 IPC, PS Beawar City, Distt. Beawar, Rajasthan was found registered

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against accused Shivlal, Sakoor Mohmmad, Sanjay Godhara and others having same modus oprendi and besides it a case FIR No. 13/2022 u/s 420/120 IPC & 3/10 Rajasthan Public Examination Act, PS- SOG, Rajasthan and case FIR No. 62/2023 U/s 10 Rajasthan Public Examination Act, PS-Bhagat ki kothi, Jodhpur, Rajasthan and case FIR No.269/2023 u/s 420 IPC, PS-Thanwala, Nagore, Rajasthan were found registered against accused Shivlal.

6. There is every possibility that he may again indulge in the commission of this organized crime and mobilize his dormant sources to start the same crime again.

7. During the course of investigation, applicant/accused did not co-operate with the investigating agency and tried his best to misguide the police officials on one ground or another. If granted bail, he may tamper with the evidences and even frighten/influence the witnesses.

8. That on 19.12.2023, chargesheet was submitted in the concerned court and Charges under section 489A, 489B,489C and 489D along with 120B and 34 IPC have been framed against the applicant/accused. In the present matter next date of hearing on 15.10.2026.

9. Applicant/accused is actively indulged and associated in the circulation of FICN which is hazardous for financial health and creates impediment to growth of the country as well as individuals. Circulation of FICN also possesses security threat to country and may impose severe implications to other sectors of the country.

10. The bail application of applicant/accused Shivlal and Sakoor Mohammad have been dismissed by Hon'ble Delhi High Court on 24.07.2025 and 20.05.2025 respectively.

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7. Learned counsel for the applicant submits that the name of the applicant was not mentioned in the original FIR and that the applicant has been in incarceration for more than three years. It is further submitted that the trial is now held up on account of a question raised by the learned ASJ, initially *vide* order dated 05.08.2026, and thereafter as recorded in the order dated 11.08.2026, *inter alia*, as to whether the case is triable only by a Special Court designated under Section 22 of the National Investigation Agency Act, 2008 ('NIA Act'). The order dated 11.08.2026, *inter alia*, reads as under:

> 28. Before doing that, I consider that an opportunity should be provided to the State and Delhi Police to correct its mistake by taking appropriate administrative steps to rectify the mistake so that no one suffers any prejudice. It needs to be noted that fake currency cases are very dangerous for the economy of this country and needs strict measures to be adopted by every stake holder in the system. With this view of the matter, Ld. DCP (Legal Cell), Police Headquarters is requested to take legal opinion on its administrative side and to act accordingly and file status report by the next date of hearing. He shall ensure that proper assistance is rendered to the Ld. Addl. PP for representing the State. Following points may be considered:
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> (i) Whether the police is complying with the mandatory requirement of Section 6(1) of the Act in respect of scheduled offences, more particularly, the mentioned offences under IPC;
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> (ii) Whether the police is producing the arrested persons before Magisterial Court or before Special Court in respect of scheduled offences, more particularly, the mentioned offences under IPC;
>
> (iii) Whether the police is filing charge-sheet in respect of the aforesaid offences in Magisterial Court or Special Court;

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(iv) Whether there was any Special Court notified by the State Government under Section 22 to cover the East District;

(v) Whether the police has been filing proceedings before Court of Sessions in compliance of Section 22(3) of the Act if there was absence of Special Court of the State Government;

(vi) Whether the Gazette Notification dated 07.07.2026 designating the Special Court by the State Government also covers the East District or not;

(vii) Whether this court can send the pending cases directly to the Special Court under Section 22(4) of the Act if the notified Special Courts also cover the East District; and,

(viii) What can be the mode and the manner to deal with the cases which are pending in general jurisdiction courts such as this court for scheduled offences due to the fault of Delhi Police.

29. On the next date, the matter shall be considered from the aforesaid perspective after considering the report to be filed by Delhi Police.

30. A copy of this order be sent to the DCP (Legal Cell), Police Headquarters to look into the observations made in paragraph-28 of this order. He shall file a report by the next date of hearing and shall also ensure presence of an appropriate rank police official for the assistance of Ld. Addl. PP as the ACP who was present on the earlier occasion was not properly able to assist.

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> 31. Since several cases of similar nature are pending in this court and it may also happen that other IPC offences mentioned in the Schedule of NIA Act may also be pending, there is a necessity of course correction. The prosecution also needs to remain aware and therefore, the views of Home Department would be required. A copy of this order be also sent to the Ld. Secretary, Home Department, Government of NCT of Delhi for his perusal and report on the observation made in paragraph 28 above.

8. Learned APP for the State vehemently opposes the present application and submits that the petitioner was an active member of the syndicate engaged in printing counterfeit notes and that the printing setup was recovered at his instance. It is further submitted that, given the applicant's involvement in such illicit activities, there is every likelihood that he will repeat the offence and influence the witnesses, if released on bail.

9. I have given my thoughtful consideration to the rival submissions of the parties and perused the record.

10. In the given facts and circumstances, I am not inclined to grant bail for the following reasons:

(i) This is the third successive bail application before this Court. The first bail application was dismissed on merits on 24.07.2025 and the second bail application was disposed of as '*not pressed*' on 10.03.2026. There is no material change in circumstances since the said bail applications were decided, and the material as regards the applicant's role and antecedents remains the same. It is stated that the

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material recovery witnesses have still not been examined;

(ii) As per the Status Report, a central role is attributed to the applicant in the racket of printing counterfeit currency; he, along with co-accused Sakoor Mohammad, is stated to have been tasked with printing the counterfeit currency. The printing setup is stated to have been recovered at the instance of the applicant and, as noted in the order dated 24.07.2025 passed by this Court in BAIL APPLN. 809/2025, a purchase invoice for some of the material, bearing the name of the applicant, was also recovered; and

(iii) The role of the applicant cannot be equated with that of the co-accused Sanjay Godara, who has been granted bail; this aspect has been adverted to at length in the order dated 24.07.2025 passed by this Court in BAIL APPLN. 809/2025.

11. It is well settled that parity, while granting bail, must focus upon the role of the accused. In ***Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana***, (2021) 6 SCC 230, the Supreme Court observed as under:

> *"26. …..The High Court has evidently misunderstood the central aspect of what is meant by parity. Parity while granting bail must focus upon the role of the accused. Merely observing that another accused who was granted bail was armed with a similar weapon is not sufficient to determine whether a case for the grant of bail on the basis of parity has been established. In deciding the aspect of parity, the role attached to the accused, their position in relation to the incident and to the victims is of utmost importance. The High Court has proceeded on the basis of parity on a simplistic assessment as noted above, which again cannot pass muster under the law."*

12. This Court also takes note of the fact that, as per the Status Report, the applicant is also an accused in FIR No. 745/2023 under Sections

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489B/489C/120B/34 IPC, registered at P.S. Beawar City, District Beawar, Rajasthan, involving the same *modus operandi*. FIR Nos. 13/2022 and 62/2023, relating to the leak of a public examination paper, and FIR No. 269/2023 under Section 420 IPC are also stated to be registered against him in Rajasthan. The apprehension that he may repeat the offence, if released on bail, is therefore not without basis.

13. The character and antecedents of the accused, and the likelihood of the offence being repeated are well-recognised considerations while deciding an application for bail. In ***Prasanta Kumar Sarkar v. Ashis Chatterjee***, (2010) 14 SCC 496, the Supreme Court has held as under:

> *"**9.** We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*
>
> *(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
>
> *(ii) nature and gravity of the accusation;*
>
> *(iii) severity of the punishment in the event of conviction;*
>
> *(iv) danger of the accused absconding or fleeing, if released on bail;*
>
> *(v) character, behaviour, means, position and standing of the accused;*
>
> *(vi) likelihood of the offence being repeated;*
>
> *(vii) reasonable apprehension of the witnesses being influenced; and*
>
> *(viii) danger, of course, of justice being thwarted by grant of bail."*

14. No doubt, delay in trial is a relevant consideration. This Court has taken note of the order dated 05.08.2026, referred to by the applicant, and of the

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submission that the delay is not attributable to the applicant. It is also noticed that the petitioner's second bail application was not pressed on 10.03.2026 so that the material recovery witnesses could be examined, and the said witnesses are yet to be examined.

15. However, having regard to the nature and gravity of the allegations, the role attributed to the applicant and his antecedents, as noted hereinabove, this Court is of the view that the ends of justice would be met by directing the expeditious examination of the material recovery witnesses, rather than by enlarging the petitioner on bail at this stage.

16. In the totality of the circumstances, this Court, while declining the present bail application, issues the following directions:

(i) The trial Court is requested to decide the questions of the competent Court, as set out in the order dated 11.08.2026, within a period of four weeks from today. If the trial is to continue before it, it shall examine the material recovery witnesses on short dates and shall endeavour to conclude the said exercise as expeditiously as possible. If the case is to be tried by the Special Court, the records shall be transmitted forthwith;

(ii) The State shall ensure the presence of the concerned witnesses on each date of hearing before the trial Court;

(iii) The petitioner shall be at liberty to renew his prayer for bail after the material recovery witnesses have been examined, or after a period of six months, whichever is earlier.

17. The present application stands disposed of in the above terms.

18. It is clarified that nothing stated hereinabove shall be construed as an

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expression of opinion on the merits of the case.

19. A copy of this order be forwarded to the learned trial Court for information and necessary compliance.

SACHIN DATTA, J

NOVEMBER 3, 2026/*at/ka*

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