

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-24176 of 2015 (O&M)
Date of Decision: 03.09.2015

Sunil @ Sanjay Yadav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. A.S. Virk, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana
for the State.

R.P. Nagrath, J.

This petition under Section 439 Cr.P.C. has been filed by the petitioner for grant of regular bail in case FIR No.98 dated 25.03.2015 under Sections 406, 420, 467, 468, 471, 120-B IPC, Police Station City Kaithal.

The FIR was recorded by Satparkash Goyal who was having LIC policy. It was stated that a caller pretending himself as Yogesh Arora and an employee of the LIC Head Office asked the complainant that there is an amount of ₹ 1,83,300/- as bonus accumulated towards LIC policy of the complainant. The complainant

was told by that caller that an amount of ₹ 9,000/- is required to be deposited for clearing the bonus amount. The said amount was to be deposited in the account of N.S. Unit Value Card Pvt. Ltd.. Thereafter the complainant was called upon many times and asked to deposit the amount in the bank accounts on various pretext and the total amount the complainant was cheated comes to ₹ 7,76,886/-.

During investigation of the case, CCTV footage of the customers of DCB Bank, Mayur Vihar Kondli, New Delhi was collected. In the meanwhile, the complainant again received a message to deposit further amount in a specific account of HDFC Bank, Sector 5, Noida. The CCTV footage from that bank were also collected. On the asking of the investigating officer, the manager of the bank called the account holder to the bank.

It was further stated that on interrogation of Jagjiwan Ram-co-accused, photo of the petitioner was prepared from the CCTV footage of DCB Bank, Mayur Vihar, Kondli, New Delhi and disclosed the name of the petitioner who opened an account in the name of Sanjay Yadav on the basis of fake identity. They together constituted two companies, one in the name of Smart Value and the other N.S. Unit Value Card Pvt. Ltd. Jagjiwan Ram used to maintain the account with HDFC bank and the petitioner was maintaining the account with DCB Bank, Mayur Vihar, Kondli, New Delhi.

I have heard learned counsel for the petitioner and learned State counsel.

The detailed response about the specific evidence

collected against petitioner has been filed by way of affidavit of Krishan Murari, Superintendent of Police, Kaithal. Alongwith this affidavit, statement of Jitender Kumar, Manager, D.C.B. Bank, New Delhi dated 06.04.2015 has also been attached.

The witness produced copy of the account in the name of Smart Value and specifically stated that Sanjay Yadav is the account holder. The Bank Manager has also identified the photograph of Sanjay Yadav, petitioner from the CCTV footage. As per statement of account of Smart Value, petitioner is said to have withdrawn almost the whole amount deposited against the name of Satparkash Goyal-complainant. The entries of withdrawal by the petitioner are of ₹ 70,000/-, ₹ 2,10,000/-, ₹ 2,46,886/- and ₹ 2,50,000/-.

Learned counsel for the petitioner, however, submits that this is a matter of trial and the petitioner is in custody w.e.f. 07.04.2015. The co-accused have already been granted bail especially Jagjiwan Ram who is also stated to be in league with the petitioner.

After hearing learned counsel for the parties, without commenting on the merits of the case, keeping in view the fact that the trial will take time in conclusion, the instant petition is allowed and petitioner-Sanjay Yadav be admitted to bail on furnishing bail/ surety bonds to the satisfaction of the trial Court, subject to petitioner either depositing an amount of ₹ 5,00,000/- with D.C.B. Bank, Mayur Vihar, Kondli, New Delhi or on furnishing surety bonds alongwith deposit of original registered title deed of some immovable property in his name

or in the name of the surety.

03.09.2015
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(R.P. Nagrath)
Judge