

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

205

CRM-M-15896 of 2016

Decided on : 15.06.2016

Vishal Kumar

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present : Mr.Karanvir Singh Khehar, Advocate
for the petitioner.

Ms.Simsi Dhir Malhotra, DAG, Punjab.

Mr.D.R.Sharma, Advocate
for the complainant.

Tejinder Singh Dhindsa, J.

This order shall dispose of the instant petition filed under Section 439, Cr.P.C. seeking regular bail to the petitioner in *FIR No.230, dated 25.06.2014 under Sections 420, 406, 465, 467, 471, 201 and 120-B, IPC, registered at Police Station Civil Lines, Amritsar.*

Learned counsel for the parties have been heard at length.

Briefly, it may be noticed that the FIR in question came to be registered on the statement of an Accounts Officer of BSNL, Amritsar. Complainant had asserted that one M/s B.K. Communication of whom Mr.Sunil Kumar Bedi was the proprietor had entered into agreements with BSNL on 18.03.2013 and 28.03.2013. In terms of such agreements, the firm in question i.e. B.K. Communication started business of selling of BSNL consumer mobility and other BSNL products and services. The said firm is stated to have authorized the present petitioner namely, Vishal Kumar as

their manager and to sign various documents in furtherance of day-to-days activities with BSNL.

Allegations in a nutshell against the proprietor of the firm i.e. Sunil Kumar Bedi and also the present petitioner are with regard to having committed fraud and having cheated BSNL by adopting a *modus operandi* of forging requisite forms and documents whereby a top up facility to the extent of Rs.30 lacs was availed of whereas an amount of Rs.2.5 lacs only was deposited with BSNL.

The present petitioner was arrested on 10.02.2016.

Learned State counsel upon instructions from ASI-Charanjit Singh would inform that investigation in the case has already been completed and challan has been presented on 11.4.2016. Thereafter, even charges have been framed.

The trial is still at the very initial stage, and would take time to conclude. Offences are triable by a court of Magistrate.

The issue as regards forging and fabricating the record in the nature of requisite forms/documents etc. and on the basis of which, the allegations of top up facility to the tune of Rs.30 lacs has been availed would be a matter of evidence to be led before the trial court.

It is not even the case made out by the learned State counsel as also counsel appearing for complainant-BSNL that in case benefit of regular bail is granted to the petitioner, he would be in a position to interfere and influence the course of trial.

This court finds sufficient merit in the contention raised on behalf of the petitioner that the trial having commenced, the present

petitioner would also not have any access to the documents as also the electronic system of the BSNL.

Without making any observation on the merits of the case and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of regular bail. Petitioner be enlarged on bail subject to the satisfaction of the trial Court/Duty Magistrate, Amritsar.

Disposed of

[Tejinder Singh Dhindsa]
Judge

15.06.2016
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