

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-28371 of 2016
Date of Decision : 22.03.2017

Nathi RamPetitioner

Versus

State of HaryanaRespondent

2. CRM-M-39458 of 2016

Mohd. Sahid GulshanPetitioner

Versus

State of HaryanaRespondent

3. CRM-M-6765 of 2017

VirenderPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Upasana Dhawan, Advocate
for the petitioner in CRM-M-28371 of 2016

Mr. Rajesh Bansal, Advocate
for the petitioner in CRM-M-39458 of 2016.

Mr. Rajesh Goyal, Advocate
for the petitioner in CRM-M-6765 of 2017

Ms. Neelam Kashyap, DAG, Haryana.

Surinder Gupta, J.

Above-captioned three petitions have been taken up together for disposal by this common order as all these three petitions arise from the same FIR bearing No. 525 dated 19.05.2016, registered for offences punishable under Sections 406, 417, 418, 420, 465, 467, 468, 471, 482 and 419 read with Section 120-B of Indian Penal Code (for short 'IPC'), at Police Station

2. As per case of prosecution, a fabricated cheque of the account of Ms. Tanvi Batra, resident of House No. 549, Sector 11, HUDA, Panipat was prepared and presented to the bank by petitioner-Nathi Ram in CRM-M-28371 of 2016 and petitioner-Mohd. Sahid Gulshan in CRM-M-39458 of 2016 and a sum of ₹15,65,895/- was withdrawn. The amount on fake cheque bearing no. 552066 was got transferred by the accused through RTGS in the account at Saharanpur, which was in the name of M/s Manav Vikas Parishad of which petitioner-Mohd. Sahid Gulshan is stated to be the President.

3. Allegation against petitioner-Virender in CRM-M-6765 of 2017 is that he was also present at the time of presentation of fake cheque to the bank for transfer of amount mentioned therein through RTGS in the account of M/s Manav Vikas Parishad. His presence was recorded in CCTV camera installed in the bank during transaction on the date of occurrence. So far as applicant in petition (CRM-M-28371 of 2016), namely, Nathi Ram, is concerned, he was also seen with petitioner-Mohd. Sahid Gulshan, when the cheque was presented to the bank and his presence was also recorded in CCTV camera of the bank.

4. Out of total amount of ₹15,65,895/- withdrawn by petitioners, a sum of ₹1 lac was received by petitioner-Nathi Ram in CRM-M-28371 of 2016, who deposited the same in FDR in Allahabad Bank, Saharanpur and then got it transferred through RTGS to his account.

5. In view of above facts, I find no merit in petition of Nathi Ram (CRM-M-28371 of 2016), who has sought anticipatory bail. It is a case where a hefty amount was withdrawn from the account of an innocent ordinary citizen by preparing a fake cheque of her account. Presence of Nathi Ram was also seen in CCTV footage. His custodial interrogation will help the

such type of gangs, as such, the application (CRM-M-28371 of 2016) is declined.

6. Petitioner-Mohd. Sahid Gulshan in CRM-M-39458 of 2016 and petitioner-Virender in CRM-M-6765 of 2017 have sought regular bail and both are now in judicial custody after their arrest on 29.05.2016 and 28.10.2016 respectively. Challan has been presented against them but supplementary challan against Nathi Ram will be filed after his arrest, which will initiate *de novo* trial and may take considerable time to conclude.

7. Keeping in view above facts but without expressing any opinion on merits of the case, both the petitions i.e. CRM-M-39458 of 2016 and CRM-M-6765 of 2017 filed by petitioners, Mohd. Sahid Gulshan and Virender, respectively are allowed and they are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

March 22, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned
Whether Reportable

Yes/No
Yes/No