

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25632 of 2018
Date of Decision: 18.06.2018

Sudhir

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Puja Chopra, Advocate
for the petitioner.

Mr. R.K.S. Brar, Add. AG, Haryana.

SURINDER GUPTA, J.

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.136 dated 08.05.2018 registered for offences punishable under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code, at Police Station Kalayat, District Kaithal.

Heard.

As per allegations in the FIR, brother of complainant, namely, Balinder son of Mange Ram had died on 23.05.2014 in a road accident. On 18.02.2018, Rajasthan Police came to the house of complainant and told him that his brother had committed cheating by getting deposited amount in his bank account. On enquiry, it transpired that account bearing no. 4814000100039952 was opened in the name of Balinder on 10.08.2016. The complainant recollected that in May/June 2016, petitioner had approached the complainant and obtained original aadhaar card, identity card and ration card of deceased-Balinder on the pretext of arranging for

compensation for his death in a roadside accident. Thereafter, the complainant made enquiries from petitioner regarding claim but he kept on putting off the matter. On arrival of Rajasthan Police to the house of complainant, he came to know that petitioner in collusion with co-accused (non-petitioners) opened a fake bank account in the name of Balinder son of Mange Ram by affixing photograph of petitioner on the aadhaar card and identity card of deceased-Balinder. At the time of opening that account Baldev son of Puran Singh (non-applicant) stood guarantor/identifier. On enquiry into allegations, it was found that on the account opening form photo of petitioner had been pasted and photocopies of aadhaar card and identity card of deceased-Balinder were annexed with application form. In that saving account transaction worth lakhs of rupees had taken place. It was later on found to be to the tune of ₹38 lakhs.

Learned counsel for the petitioner has argued that the partitioner was operating liquor vend in three villages i.e. Chausala, Julani Khera and Wazir Khera in district Kaithal. Earlier the liquor vend at village Julani Khera was being operated by complainant and his partner Krishan. The liquor vend of village Julani Khera for the year 2016 was taken by the petitioner as complainant could not succeed in getting the same. However, under a compromise the petitioner took the shop of complainant on rent for running the liquor vend. Later on Krishan was allowed to operate liquor vend at village Julani Khera, who took another shop in the neighbourhood. As the petitioner had paid rent for one year of the shop of complainant, he allowed another person to open chicken shop in the said premises. This resulted in strained relations and false implication of petitioner. The petitioner while doing business of liquor vend in village Julani Khera came

in contact with Sandeep and Sonu resident of village Shisha, who represented that they could get the claim pertaining to accidental death of brother of complainant settled. On their assurance documents of deceased-Balinder were handed over by complainant to said Sandeep and Sonu. The petitioner was also asked to give his photograph to be used as guarantor. Those Sandeep and Sonu have misused photograph of petitioner while opening account in the name of deceased-Balinder and this fact can be verified from the bank record.

Learned counsel for petitioner has further argued that petitioner is ready to give his specimen signatures and writing and cooperate in the investigation. The police instead of joining Sandeep and Sonu have let them off for extraneous consideration.

Learned State counsel has argued that the offence committed in this case is very serious in nature. The petitioner by forging documents of deceased-Balinder has prepared fake copies of driving licence, aadhaar card and identity card of deceased-Balinder by inserting his own photograph in place of the photograph of deceased and then opened account in the bank in which he himself had been operating account and making deposits/withdrawals. Custodial interrogation of the petitioner is required to enquire about deposits/withdrawals of about ₹38 lakhs made in that account. The story that petitioner had supplied his photograph to Sandeep and Sonu is an after thought version of petitioner.

From the documents collected so far it is apparent that account in the name of deceased-Balinder was opened by using photograph of petitioner on the account opening form and fake driving licence, aadhaar card and identity card of deceased-Balinder. The transaction of ₹38 lakhs

had taken place in that fake account. A *prima facie* case of cheating and forgery is disclosed against the petitioner. His version that he had given his photograph to Sandeep and Sonu cannot be believed at this stage. Allegations levelled against the petitioner require thorough investigation for which custodial interrogation of the petitioner is required.

This petition has no merit and the same is dismissed.

June 18, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No