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

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Judgment delivered on: 07.07.2020

+ BAIL APPLN.1379/2020

AMIT KUMAR SINGH

..... Petitioner

versus

STATE

.....Respondent

**Advocates who appeared in this case:**

For the Petitioner: Mr. Sandeep Mishra, Advocate.

For the Respondent: Ms. Manjeet Arya, APP for State.

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**SANJEEV SACHDEVA, J. (ORAL)**

1. The hearing was conducted through video conferencing.
2. Petitioner seeks regular bail in FIR No.362/2015 under Sections 419/420/467/468/471 IPC, Police Station Karol Bagh.
3. Subject FIR was registered alleging that officers of Corporation Bank, UCO Bank along with one Vikas Singh and Ramesh Kumar had committed the offence of impersonation, cheating and forgery. It is alleged that one forged and fabricated cheque of the complainant and one forged and fabricated cheque of his sister was presented for encashment. The cheque of the complainant in the sum of

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Rs.9,72,000/- was drawn in the name of one Ramesh Kumar. Same was encashed and another cheque drawn in the name of one Vikas Singh alleged to be issued by the sister of the complainant in the sum of Rs.9,70,000/- was presented for encashment, however, the same was not encashed because the signatures did not match.

4. It is alleged that the two cheques were completely forged and fabricated as the original cheques bearing the same cheque numbers were still lying with the account holders and someone had fabricated these cheques and presented them for encashment.

5. Suspect Vikas Singh named in the FIR, when interrogated named the petitioner, his erstwhile tenant, as the one who had forged and fabricated the cheque.

6. As per the case of the prosecution, the address of the petitioner was traced out, however, he was not found at the said address. It is alleged that the petitioner subsequently was arrested on 24.01.2020 and he in his disclosure statement confessed to having committed the said offence and had confessed to having presented the cheque in the name of Mr. Ramesh Kumar and then took his share of Rs.2 lakhs.

7. Learned APP submits that sample signatures as well as the original cheques have been sent to FSL, however, report is still awaited.

8. Learned counsel for the petitioner submits that the entire story of the prosecution is based on conjectures and surmises and there is no

material to connect the petitioner with the subject offence.

9. Learned counsel submits that even though the FIR specifically names Vikas Singh and Ramesh Kumar, they have not been arrayed as accused and petitioner is sought to be roped in solely on the basis of the statement of Mr. Vikas Singh. He further submits that there is no material to connect the petitioner with the subject offence.

10. Learned counsel for the petitioner further submits that there is no connection between the petitioner and the complainant and his sister and no explanation forthcoming as to how the petitioner is alleged to have caught hold of the two cheques and created identical cheques which are alleged to have been forged and fabricated.

11. Learned counsel for the petitioner further submits that the petitioner was not arrested but he had voluntarily surrendered before the Court on 24.01.2020. He further submits that petitioner has aged old parents and is married and has roots in the family and his wife is also on family way.

12. Without commenting on the merits of the case and keeping in view the facts and circumstances, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Superintendent Jail, petitioner shall be released on bail subject to the following conditions:-

- a) Petitioner shall not do anything which may prejudice the trial or the prosecution witnesses;

b) Petitioner shall not leave the country without the prior permission of the Trial Court and he shall surrender his passport, if any to the IO;

c) Petitioner shall also provide his as well as his surety's mobile number to the IO which shall be kept active at all times. In case of change of the residential address or the mobile numbers, same shall be duly communicated to the IO.

13. The petition is accordingly disposed of.

14. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

**SANJEEV SACHDEVA, J.**

**JULY 07, 2020**

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