

CRM-M-2593-2022 &
CRM-M-6308-2022

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223 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Decided on: 8th March, 2022

1. CRM-M-2593-2022
Ravinder

Petitioner

Versus

State of Haryana

Respondent

2. CRM-M-6308-2022
Janisar

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Pawan Kumar Hooda, Advocate
for the petitioner in CRM-M-2593-2022.

Mr. Deepanshu Matya, Advocate
for the petitioner in CRM-M-6308-2022.

Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. These two petitions under Section 439 Cr.P.C. are filed seeking regular bail in FIR No. 838, dated 26th October, 2021, under Sections 120-B/ 420/ 465/ 467/ 471 of IPC, later on added Sections 419 and 468 of IPC registered at Police Station Quila Panipat, District Panipat.

2. The FIR was lodged at the instance of Complainant-Salim. He alleged that he was known of Savvej, Furkhan and he knew Ravinder (petitioner) in CRM-M-2593-2022. Petitioner was running a photostat shop.

The complainant went to the shop of the Ravinder for updating his Aadhaar card where Savvej asked him to give copy of the Aadhaar Card and several blank papers were got signed for opening his bank account. Later the complainant gained knowledge that vehicles were got financed in his name. The role attributed to Ravinder is that from his shop, laptop, printer and Rs.10,000/- were recovered. The role attributed to the Janisar (petitioner in CRM-M-6308-2022) is that he was accompanying co-accused namely Savvej and Furkhan, he actively connived with them for managing the scam and ten motorcycles without number plates were recovered from his house.

3. Mr. Pawan Kumar Hooda, Advocate for the petitioner in CRM-M-2593-2022 submits that petitioner was running a photostat shop and there is no possibility of updating the Aadhaar card without getting the One Time Password on the registered phone. He further submits that recovery from the petitioner nowhere connects him with the financing of the vehicle by misusing the documents of the complainant.

4. Mr. Deepanshu Matya, Advocate for the petitioner in CRM-M-6308-2022 submits that petitioner was not named in the FIR and no active role is attributed to him and as per the disclosure statement, he was merely accompanying the co-accused.

5. Learned State counsel opposes the prayer for grant of regular bail and submits that the complainant was taken to the shop of the petitioner where his Aadhaar card was updated and copy of the Aadhaar card was kept with Savvej and he got the blank papers signed.

6. It is further argued that petitioner-Janisar was an active participant, his involvement is established as ten motorcycles without

number plates were recovered from his house.

7. There is no dispute that Ravinder was running a photostat shop, the allegations are that he updated the Aadhaar Card. As per the case set up the copy of the Aadhaar Card was kept by Sevvaj and blank papers were got signed from the complainant. He is in custody since 28th October, 2021, no further recovery is to be made from him. There is nothing in the pleading before this Court *prima facie* to establish active participation of the petitioner-Ravinder.

8. Considering the facts and circumstances in totality and conclusion of the trial is likely to take time, petitioner-Ravinder in CRM-M-2593-2022 is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. The contention of the learned counsel for the petitioner that Janisar was not named in the FIR, does not enhance the case of the petitioner for grant of bail. As in economic offences and online frauds, it is not possible for the complainant to name each and every accused in the FIR. Janisar-Petitioner was named by the co-accused and it is not a case where petitioner was nominated only on disclosure statement but there is a recovery of ten motorcycles at his instance. No case is made out for grant of bail. The CRM-M-6308-2022 is dismissed.

10. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

11. Photocopy of this order be placed in the file of the connected case.

[AVNEESH JHINGAN]
JUDGE

8th March, 2022
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes /No
2. Whether reportable

:

Yes /No