

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc. No.M-14158-2022(O&M)

Date of Decision: April 20, 2022

Rajeev Kumar Sharma

...Petitioner

Versus

State of Haryana

...Respondent

and

Criminal Misc. No.M-15041-2022(O&M)

Deepak Kumar Gupta @ Raju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Narinder S. Lucky, Advocate
for the petitioner (in CRM-M-14158-2022)

Mr.Kanwaljeet Singh, Advocate
for the petitioner (in CRM-M-15041-2022).

Mr.R.K.Singla, DAG, Haryana.

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HARINDER SINGH SIDHU, J.

This order shall dispose of two petitions i.e. CRM-M-14158-2022 filed by Rajeev Kumar Sharma and CRM-M-15041-2022 filed by Deepak Kumar Gupta @ Raju, as both have arisen out of the same FIR.

Both the petitions are filed under Section 439 Cr.P.C for grant of regular bail in case FIR No.169 dated 03.06.2019 under Sections 406, 420 IPC [Section 465, 467, 468, 471, 120-B, 201 IPC and Sections 66, 66(D) of

IT Act added later on] , Police Station Manesar, District Gurugram.

The FIR was lodged on the statement of one Brahmanand, who alleged that his mother Ram Kala Devi had a bank account No.50100087457099 in HDFC Bank, Naharpur. Someone by way of forgery had withdrawn a sum of Rs.80 lacs from the said account.

During investigation, the details of different forged bank accounts was obtained, wherein, the said amount was found to be transferred. Co-accused Gagan Mahajan was arrested on 16.07.2019, who had used forged I.D for obtaining Mobile Sim Card. On 10.07.2020, accused Rajiv Sharma and Deepak (both petitioners) were arrested and their disclosure statements were recorded. In his disclosure statement, Rajiv Sharma stated that he had purchased one Laptop and Printer with the said amount. The laptop and printer were taken into possession. In his disclosure, he named accused Amit Sharma @ Nitin Sharma, Madhu and Nitin Tiwari. It was also disclosed that accused – petitioner Deepak had opened several bank accounts on the basis of forged documents and the said forged documents were handed over to Amit @ Nitin and Nitin Tiwari. On the basis of these forged documents, one debit card was also got issued by accused persons. Co-accused Amit Sharma @ Nitin and Nitin Tiwari, who were confined in custody in Punjab, were joined in the investigation by securing production warrants.

Ld. counsel for the petitioners state that the petitioners are behind bars since 10.07.2020. Co-accused Gagan Mahajan has already been allowed bail by the Ld. Additional Sessions Judge, Gurugram.

Opposing the petition, Ld. DAG, Haryana submits that the

petitioners are habitual offender. Five FIRs, out of which four pertaining to commission of crime of similar nature and one for the offence of snatching are pending against petitioner Rajeev Kumar Sharma. Deepak Kumar Gupta @ Raju is involved in two more cases of the similar nature. He argued that if bail is granted to the petitioners, the possibility of their indulging in similar crime cannot be ruled out.

Heard Ld. counsel for the parties.

Considering the totality of facts and circumstances, particularly, the long custody of the petitioners i.e. for more than One Year and Ten Months, without expressing any opinion on the merits of the case, both the petitions are allowed. The petitioners (Rajeev Kumar Sharma and Deepak Kumar Gupta @ Raju) are directed to be released on bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

However, it is clarified that if the petitioners are found indulging in similar type of activities in future, the prosecution shall be at liberty to move for cancellation of their bail.

April 20, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No