

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

CRM-M-15848-2020 (O&M)

Date of decision: 27.10.2022

Rajeev Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG Punjab.

Mr. N.S. Gill, Advocate for

Mr. Munish Gupta, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.27 dated 23.02.2020, registered under Sections 406, 420, 465, 467, 468, 471, 120-B IPC, Section 66-D, 72, 72-A, of the Income Tax Act and Section 13(2) of the Prevention of Corruption Act added later on, and Sections 201, 419 IPC and Sections 66, 66-C of the Income Tax Act, at Police Station Garhshankar, District Hoshiarpur.

The short reply dated 01.12.2021 filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that the FIR was registered at the instance of Balwant Singh Sohal; that the petitioner has

falsely been implicated in the present case on the disclosure statement of co-accused Deepak Gupta; that the recovery alleged to be effected from the petitioner, was actually effected from the office of co-accused Deepak Gupta; that no further recovery is to be effected from the petitioner; that though the challan was presented on 01.06.2022, yet out of 21 prosecution witnesses, none has been examined so far; that co-accused Amit Sharma @ Nitin Sharma, has been granted regular bail by this Court today itself and that the petitioner has been in custody since 04.03.2020.

Learned counsel further submits that as far the other cases against the petitioner are concerned, he stands acquitted/discharged in case FIR No. 110 dated 04.06.2013, registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station City Jagraon, and in rest of the cases, he is on bail. The charges are also yet to be framed.

Learned State counsel and learned counsel for the complainant, while vehemently opposing the prayer for bail, submit that the petitioner had actively participated in the crime and after preparing the forged documents, an amount of Rs. 66 lakh was withdrawn from the account the complainant, who is an NRI and that Mohinder Pal was impersonated by co-accused Deepak Gupta to open an account in the name of Mohinder Pal. However, learned State counsel does not dispute the custody period of the petitioner and the fact that the challan was presented on 01.06.2020 and charges are yet to be framed and that none of the prosecution witnesses has been examined as yet.

I have heard the learned counsel for the parties and have gone through the paper-book.

The petitioner has been in custody since 04.03.2020. The petitioner was indicted in the present case on the basis of disclosure statement of the co-accused. The recovery has already been effected. The challan was presented on 01.06.2020 but the charges have not been framed. One co-accused Amit Sharma @ Nitin Sharma has been granted regular bail by this Court today itself. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

27.10.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No