

260

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

CRM-M-18202-2022

Date of Decision: 20.07.2022

AMIT SHARMA ALIAS NITIN SHARMA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.4 dated 08.01.2020, registered under Sections 66, 66(C), 66(D) of I.T. Act 2000 and Sections 420/465/468/471 IPC (Section 467 IPC added later on) at P.S. Punjab State Cyber Crime, District Crime Wing/SAS Nagar, Mohali.

Earlier CRM-M No.24489 of 2021 was got dismissed as withdrawn on 03.09.2021 on the application filed by the petitioner wherein a statement was made that the petitioner was not interested in pursuing the said Crl. Misc. Petition at that

time. The aforesaid case was not decided on merits.

Present FIR was registered at the instance of Location Manager of HDFC Bank with the allegations that there was a bank account in the name of Akash Arun Bhatia. Some persons opened fake bank accounts in the name of one Vikram Singh with different banks by submitting false PAN Cards, ID proofs and driving licences etc. Thereafter those persons transferred the amount of Rs.2,00,66,620/- in different accounts opened in the name of aforesaid Vikram Singh. With these allegations, the present FIR came to be registered.

Learned counsel for the petitioner submits that the FIR was registered against unknown persons. Subsequently Rajiv Kumar Sharma and Deepak Kumar Gupta were nominated as accused during interrogation. They disclosed the name of the petitioner thereby alleging that the petitioner impersonated Akash Arun Bhatia to get changed the mobile number and also e-mail address of said account holder. Rajiv Kumar Sharma and Deepak Kumar Gupta have already been granted regular bail. Recoveries were also effected from their places. Petitioner is in custody since 27.08.2020. The bail was declined to the petitioner on the premise that he is also involved in five other cases.

Learned counsel for the petitioner by referring to order

dated 28.01.2019 passed by the Sessions Judge, Ambala in FIR No.61 dated 06.02.2018 under Sections 406, 419, 420, 467, 468, 471, 201 & 120-B IPC, P.S. Ambala Cantt. Distt. Ambala, order dated 07.12.2018 passed by the Addl. Sessions Judge, Ambala in FIR No.269 dated 23.06.2018 under Sections 406, 419, 420, 467, 468, 471, 120-B IPC, P.S. Ambala Cantt., order dated 18.12.2018 passed by the Addl. Sessions Judge, Ambala in FIR No.170 dated 17.04.2018 under Sections 379-A/420, 467, 468, 471, 120-B IPC, P.S. Baldev Nagar and order dated 21.03.2022 passed in CRM-M No.27040 of 2021 by the High Court in FIR No.169 dated 03.06.2019 under Sections 420, 467, 468, 471, 201, 120-B IPC and Sections 66, 66D of IT Act , P.S. Manesar, District Gurugram. submits that the petitioner has already been granted bail in all the aforesaid four cases. *Qua* the fifth case, CRM-M No.24486 of 2021 is fixed for 23.08.2022.

Learned State counsel however opposed the grant of bail on the ground that huge amount has been withdrawn by the petitioner and others, however factual position of the case could not be disputed by him except to say that the petitioner is in custody in the fifth case and CRM-M No.24486 of 2021 is pending for 23.08.2022. After filing of challan, the charges are yet to be framed.

Looking to the custody of the petitioner particularly in

view of the fact that the offence is triable by the Magistrate and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

July 20, 2022	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No