

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

CRM-M-18480-2022 (O & M)

Date of decision: 05.08.2022

Anil Kumar Sehgal

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Paramjit Singh Brar, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.209 dated 19.03.2022 under Sections 406, 409, 420, 467, 468, 471 and 506 IPC registered with Police Station Ambala Cantt., District Ambala.

2. The present FIR came to be registered at the instance of Ramesh Kumar Yadav, who stated that he and his companion, Nand Kumar Bhatia had gone to Anil Kumar Sehgal (the present petitioner) for obtaining the policy of HDFC Life Insurance Company. He had given all related documents like Adhaar Card, PAN Card, Policy, Proposal Form, Current Account Cheque, Saving Bank Account Cheque to the petitioner-Anil Kumar Sehgal. The said Anil Kumar Sehgal was a Manager in HDFC Life Insurance Company, Ambala Branch. For some technical reasons, the policy

was cancelled and the payment of Rs.55,711/- which he had made was

transferred back to his account. The details of his Bank accounts were available with the petitioner. The petitioner used the documents to withdraw a sum of Rs.3,50,000/- from his Bank account. The said fact became clear from the CCTV footage and from the cheque withdrawal date.

3. The learned counsel for the petitioner contends that the allegations against the petitioner are baseless. The CCTV footage of the SBI Timber Market, does not further the case of the prosecution because the cheque had been encashed in the PNB Timber Market, Branch, Ambala Cantt. In fact, the petitioner had gone to the police station to join the investigation where the investigating agency obtained his signatures on many papers and falsely implicated him. He further contends that there is a delay in the registration of the FIR and this creates great doubt in the story of the prosecution. Even otherwise, the petitioner is in custody since 03.04.2022, the case is triable by the Court of a Magistrate and none of the 14 prosecution witnesses have been examined so far. Therefore, as the trial is not likely to be concluded in the near future, the petitioner deserves the concession of bail.

4. The learned counsel for the State, on the other hand, contends that it is an open and shut case. The documents of the complainant have been misused by the petitioner to transfer a sum of Rs.3,50,000/- to the account of the petitioner and there is a CCTV footage substantiating the allegations. Therefore, the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for both the parties.

6. Admittedly, the petitioner is in custody since 03.04.2022 and none of the 14 prosecution witnesses have been examined so far. Therefore,

case is triable by the Court of a Magistrate. The petitioner is a first-time offender and this is the only FIR, which has been registered against him. There is nothing to suggest that the petitioner will either flee from justice, tamper with the evidence or pressurize witnesses. Therefore, the triple test as laid down by the Hon’ble Apex Court in **“P. Chidambaram versus Directorate of Enforcement, 2020 AIR (SC) 1699”**, is prima facie satisfied. In view of the above, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Anil Kumar Sehgal, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

August 05, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No