IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.23753 of 2022
Date of Decision: 22.08.2022

Dinesh Sorkhi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr.Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate and
Mr. Edward Augustine George, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Mr. Rajeev Kumar Yadav, Advocate,
for the complainant.

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MEENAKSHI I. MEHTA, J.

The petitioner herein has sought the relief of regular bail in the criminal case arising out of the FIR bearing No. 09 dated 08.01.2022 registered at Police Station Manesar, District Gurugram, under Sections 420, 465, 467, 468, 471, 506 &120-B IPC.

2. Bereft of unnecessary details, the allegations, as levelled by the informant in the present case, are that the petitioner introduced his co-accused named Parveen Yadav to him (informant) as an IPS Officer, posted at NSG, Manesar and thereafter, they allured him (informant) to pay

the total amount of Rs.64,49,81,220/-, by way of two cheques issued in favour of the "Office of GC (Garrison) Station Head Quarters NSG", on the pretext of the deposit of the same as earnest money for two housing projects at NSG, Manesar, while misrepresenting to him that the above-said Office held a bank account whereas in fact, the sister of accused Parveen Yadav named Ritu Raj Yadav, who was posted as the Manager in Axis Bank, along-with some other Bank officials, had facilitated the opening of the said account in the afore-said Bank on the basis of false and fabricated documents, as prepared/forged by said Parveen Yadav and Mamta Yadav and thus, they had duped him of the above-said amount.

3. Affidavit of the Investigating Officer named SI Murari Lal, along-with Annexure R-1, as submitted in compliance of the order dated 02.06.2022, is already available on the file and these documents are taken on the record.

4. I have heard learned Senior counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the informant-complainant) in this petition and have also perused the file carefully.

5. Learned Senior counsel for the petitioner has contended that it has clearly been mentioned in Para No.8 of the said Affidavit that during the investigation, no forged document has been found to be prepared by the petitioner and moreover, the amounts, as shown in Annexure R-1, i.e the copy of the statement of the bank accounts of the petitioner, his wife and his Company, i.e S.S. Developers, to have been received in the said bank accounts, are also mentioned therein to have already been returned to said

accused Parveen Yadav and moreover, the petitioner is behind the bars in the instant case since 13.01.2022 and in these circumstances, he (petitioner) deserves the relief as prayed for in this petition.

6. Per-contra, learned State counsel has argued that even if the petitioner has been found to be not involved in forging any document, even then, the fact remains that he (petitioner) has received the huge amounts in the above-said bank accounts as detailed in Annexure R-1 and has, thus, actively participated in the commission of the crime and it being so, the present petition be dismissed.

7. Though, it has been mentioned in Para 8 of the afore-said Affidavit that during the course of the investigation, no forged document has been found to have been prepared by the petitioner but however, this Court cannot lose sight of the fact that it has also categorically been deposed in the same Para that the petitioner had introduced the informant to his co-accused Parveen Yadav who had allegedly obtained the above-said whopping amount from the informant and that some amount, out of the same, had been received in the bank accounts of the petitioner, his wife and his said Company from the accounts of his afore-named co-accused from time to time.

8. Further, a perusal of Annexure R-1, the statement of the bank accounts of the petitioner, his wife and his said Company, reveals that a total sum of Rs.4,10,00,000/- is shown therein to have been received in the said three bank accounts, out of which an amount of Rs.1,36,00,000/- is mentioned to have been returned whereas the total balance amount of

Rs.2,74,00,000/- is shown to be still lying deposited in these bank accounts. At this stage, the petitioner has not been able to explain the deposit of the said amounts in the above-said bank accounts as shown in Annexure R-1. Then, in view of the nature of the allegations as levelled against him (petitioner), the mere factum of his being in custody in this case since 13.01.2022, does not suffice at all to be a cogent ground so as to grant the relief as sought by him.

9. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of regular bail. Resultantly, the petition in hand stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

22-08-2022
seema

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*