

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27040-2021

Date of decision : 21.3.2022

Amit Sharma alias Nitin Sharma

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. K.S. Sidhu, Senior Advocate with
Mr. Dushyant Sarvesh, Advocate
for petitioner.

Mr. Saurabh Girdhar, AAG Haryana.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail to petitioner in case FIR No. 169, dated 3.6.2019 registered under Sections 420, 467, 468, 471, 201, 120 B IPC and under Sections 66, 66 D of IT Act at Police Station Manesar, District Gurugram.

FIR was lodged on the complaint of one Brahma Nand who stated that his mother Smt. Ram Kala Devi has a bank account in HDFC Bank, Branch Naharpur. He alleged that an amount of Rs. 8000000/- (Rupees eighty lac) had been withdrawn from said account by way of forgery.

It is the case of prosecution that during investigation, details of various account numbers were obtained where the amount withdrawn from bank account of mother of complainant was transferred. One Gagan Mahajan was arrested on 16.7.2019. It was found that said accused had used forged ID for obtaining the mobile number. On 10.7.2020, accused Rajeev Sharma and Deepak Kumar Gupta were arrested. Rajeev Sharma allegedly disclosed that out of amount withdrawn, he had purchased a lap top and various printers. The names of petitioner, Madhu

and Nitin Tiwari were disclosed by Rajeev Sharma who stated that they are also involved in the conspiracy. As per disclosure statement of Deepak Kumar Gupta, he had opened several bank accounts on the basis of forged documents which were then handed over to petitioner and Nitin Tiwari. On the basis of these forged documents, one debit card was got issued. The petitioner who was in custody in another case was arrested on 1.2.2021.

Mr. Sidhu, learned senior counsel for petitioner has contended that petitioner has been implicated in this case in view of disclosure statement of co accused. The other material against petitioner is statement of one Harish Gulati who stated that a sum of Rs. 60000/- had been given to him by petitioner for purchase of furniture. He states that even as per prosecution, various accounts were got opened by Deepak Kumar Gupta and all amount had been withdrawn by said Deepak Kumar Gupta. He further states that petitioner is in custody for the last 1 year 2 months. Though there are 5 other cases registered against petitioner, however, he is on bail in 3 of them. The investigation in the case is complete. The challan has been filed. There are 34 witnesses. However, none has been examined.

Considering the aforesaid facts and circumstances, no useful purpose would be served by keeping the petitioner behind bars. Hence, petition is allowed. Petitioner Amit Sharma alias Nitin Sharma is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

21.3.2022

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No