

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

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**CRM-M-27593-2022
Date of decision: 07.07.2022**

GAURAV SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No. 384 dated 30.10.2021 registered under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, 1860 (Section 201 of the IPC was added subsequently) at Police Station Arya Nagar, District Rohtak.

2. The present case has been registered on an information sent by the Manager, HDFC Bank pointing out that one M/s S.K. Enterprises had account with the HDFC Bank. On 25.10.2021, a cloned cheque for a sum of Rs. 4,80,17,000/- bearing No. 0888835 was presented in the said Account. The holder of the cheque namely Mr. Jodginer Balhara confirmed that he had received the cheque from one Nitin Gupta and the said Nitin Gupta had confirmed that the said

cheque in question had been received from Vijay Singla and Vijay Singla further confirmed to have received the cheque from one Mr. Deepak from Delhi. Noticing that the cheque was a cloned cheque, the complaint in question was submitted resulting into registration of the present FIR.

3. Learned counsel for the petitioner *inter alia* contends that as per the investigation concluded by the Investigating Agency, the petitioner along with his co-accused Dharminder are alleged to have cloned the cheque in question. He contends that there are a total of 12 accused out of which 10 accused have been arrested by the Investigating Agency and 09 out of the aforesaid 10 arrested accused have already granted concession of regular bail. He further submits that the co-accused namely Dharminder who has been attributed the same allegations as the petitioner has also been granted concession of regular bail by the Sessions Judge, Rohtak after a custody of merely 04 months. He contends that the petitioner is in custody since 12.12.2021 and has undergone merely 07 months of actual custody in a magisterial trial. No recovery is to be effected from the petitioner as the cheque in question had already been passed on and the alleged electronic devices used in the cloning of the cheque already stand recovered by the Investigating Agency.

4. Learned counsel appearing on behalf of the respondent-State has not disputed the fact that the allegations attributed against the petitioner are at par with the co-accused Dharminder to whom concession of regular bail has already been granted by the Court of Sessions Judge.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.
6. Taking into consideration, the circumstances noticed above, the fact that all other similarly placed co-accused have already been granted the concession of bail and that the case of the petitioner is at par with co-accused Dharminster and that the petitioner has undergone a longer period of custody as compared to the said co-accused, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.
7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/**heavy surety** bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.
8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 07, 2022
vishal sharma

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