IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-49120-2022

Date of Decision:-31.10.2022

Azaruddin Ansari.

......Petitioner.

Versus

State of Haryana.

......Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Deepakaran Dalal, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General, Haryana.

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JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0154 dated 05.03.2021 under Sections 120-B, 201, 406, 420, 467, 468, 471 IPC and Section 68 of IT Act, 2000 registered at Police Station City Sonepat, Haryana.

The present FIR came to be registered at the instance of the complainant who stated that on 3.3.2021 when he went to the PNB Bank ATM, he found that there was Zero Balance in his bank account wherein he had a sum of Rs.22,973.56/- along with an FD of Rs.3 lacs in his bank account. A complaint in this regard was lodged with PNB customer help line number and ultimately it transpired that a fraud had been committed upon him. On 4.3.2021 when he went to the bank branch, i.e. PNB Chottu Ram Chowk, he came to know that on 3.3.2021 a parallel bank account was opened and a loan of Rs.2,85,000/- was taken without his knowledge and without any consent having been sought from him for the aforesaid transaction.

The Counsel for the petitioner contends that the petitioner is not named in the FIR and there is no evidence inculpating the petitioner in the commission of the alleged offence. The money allegedly transferred from the bank account of the complainant was transferred in an account in the name of one Mukesh Kumar Sharma and the mobile number linked to this bank account was in the name of Arvind Kumar. The mobile number was being used by co-accused Sanjiv Kumar Rawat and the account was being operated by Salman @ Shamsher Ansari. It is the case of the prosecution that the petitioner on the asking of the Salman @ Shamsher Ansari had withdrawn cash from the account on various occasions which is factually incorrect. In fact he was arraigned as accused as he was in custody in some other cases. Even otherwise the petitioner was not involved in the creation and the operation of the said parallel account in any manner and Mukesh Kumar and Arvind Kumar in whose names the bank account and the mobile phone stood have been found to be innocent. It is lastly contended that the petitioner is in custody since 11.11.2021 and in one of the cases registered against him he has been granted the concession of bail by this Court vide order dated 16.05.2022 (a copy of the said order is taken on record as Mark-A). As many as 19 prosecution witnesses are yet to be examined and, therefore, as the trial of the present case is not likely to be concluded any time soon, the further incarceration of the petitioner is not required.

The Counsel for the State on the other hand contends that the petitioner is one of the main accused and does not deserve the concession of bail looking at the nature of allegations against him. Offences of this kind are on the rise and no indulgence should be shown to the petitioner by way of granting regular bail to him more so when there are two other cases registered against him.

I have heard learned Counsel for both the parties at length.

Admittedly, the petitioner is in custody since 11.11.2021 and none of the 19 prosecution witnesses have been examined so far. There are two other cases registered against the petitioner in one of which he has been granted bail. The trial of the present case is not likely to be concluded any time soon and therefore, the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petitioner-**Azaruddin Ansari** son of Sh. Ibrahim Ansari is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the cases mentioned in this order.

In addition, the petitioner or any person on his behalf shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 31, 2022
Vinay

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