

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-4816-2023 (O&M)
Date of Decision:- 03.02.2023

Deepak Kumar Gupta @ Raju ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Narinder S. Lucky, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Buta Ram.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.27 dated 23.2.2020 at Police Station Garshankar, District Hoshiarpur, under Sections 406, 420, 465, 467, 468, 471, 120-B IPC (Sections 419, 201 IPC, Sections 66, 66C, 66D, 72, 72-A of IT Act and Section 13(2) of the Prevention of Corruption Act added later on).
2. The FIR was lodged at the instance of Balwant Singh Sohal wherein he alleged that he had left for England on 07.05.2019 and at that time, an amount of Rs.68 lakhs was lying in his bank account

maintained in Punjab National Bank, Moranwali Branch, District Hoshiarpur. Complainant alleged that when, in January 2020, he went to bank for withdrawal of amount, he came to know that an amount of Rs.66 lakhs had been withdrawn from the bank by way of two cheques and upon making inquiries, it came to know that the said amount had been transferred to the account of one Sandhya.

3. It is further the case of prosecution that upon investigation, the names of other accused who were involved, came to be known including petitioner Deepak Gupta, Geeta Kumari, Rajiv Sharma and others.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case solely on the premises that the amount which had been transferred from bank account of the complainant to the account of Sandhya, was further transferred to a bank account of one Mohinder Pal, which infact had been opened by the petitioner by assuming a fictitious name Mohinder Pal and that the account opening form bears the photograph of the petitioner. It has further been submitted that in any case there is no evidence to the effect that any amount had ever been credited in the account of the petitioner out of the allegedly siphoned off amount of Rs.68 lakhs.
5. Opposing the petition, learned State counsel has submitted that since, the photograph of the petitioner was found to have been pasted on the account opening form and that the same would have been verified at the time of opening the bank account, it is apparent that the petitioner had appeared in person before the bank at the time of getting the bank account opened in the name of a fictitious person

Mohinder Pal and as such his complicity is clearly evident. It has further been informed that the petitioner has also been named as an accused in the disclosure statement made by co-accused Rajiv Sharma. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 2 years and 11 months and stands involved in four other cases. It has been informed that charges have not been framed and that as many as 17 PWs have been cited.

6. This Court has considered rival submissions.
7. The evidence collected during the course of investigation is suggestive of the involvement of the petitioner in having got a bank account opened by way of assuming a fictitious identity and in which huge amount was credited. However, this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of 2 years and 11 months. The trial has not even commenced till date and as many as 17 PWs have been cited. Conclusion of trial is likely to consume time. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

03.02.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No