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

CRM-M-23028-2023
Date of Decision: 07.08.2023

Naseem Khan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rohit Gautam, Advocate &
Mr. Alok Singh, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Yash Yadav, Advocate
for the complainant.

JASGURPREET SINGH PURI, 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.2392 dated 13.12.2019, under Sections 306, 420, 467, 468, 471, 120-B IPC, registered at Police Station Shivaji Nagar, District Gurugram.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for about 9 months and investigation of the case has already been completed and challan has also been presented before the competent Court and now the case is fixed for consideration of framing of charges before the learned trial Court. He further submitted that as per the allegation the petitioner along with other co-accused had formed a gang and fabricated the documents by which the money was transferred. He also submitted that so far as the present

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petitioner is concerned, his name was nominated thereafter and it did not find mention in the FIR and submitted that since the investigation of case has already been completed, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana has submitted that the petitioner along with other co-accused had formed a gang and they fabricated various documents and appropriated the money. She further submitted that the deceased had invested lacs of rupees in Chit Fund Company and also referred to the affidavit filed by the State in which it has been so stated that so far as the present petitioner, namely, Naseem Khan is concerned, he prepared a fake rent agreement and established a fake firm in the name of IBR Services and in conspiracy with the other co-accused, namely, Mukesh Tyagi and Amit Kumar and also with the co-accused Pravesh Pathak and he thereafter opened an account in Bandhan Bank in the name of a fake firm IBR Services and received the amount of Rs.25,000/- from the deceased Deep Chand. She also submitted that the petitioner along with the other co-accused, namely, Khan Kharik Badar and Mukesh Tyagi had started other firm, namely, IFMD Services on the asking of the co-accused, namely, Amit Kumar, Pravesh Pathak, Gaurav Sharma and Neeraj Sharma. The deceased had mentioned in his suicide note that one Rajbir Singh of Hyderabad had got deposited Rs.28 lacs in the account of IFMD Services which the petitioner had got opened and was a fake account. The deceased, who committed suicide had rather deposited a total amount of Rs.1.08 crores in 75 accounts through money points and also directly in bank on the calls made by several persons. From the

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account of the aforesaid firm, namely, IFMD Services, lacs of rupees were transferred in the different accounts regarding which details have been given in the affidavit.

4. Learned State counsel further submitted that the petitioner is involved in two more cases of similar nature regarding which details have been mentioned in Para No.10 of the affidavit. She also submitted that it is a case where the petitioner along with the other co-accused had rather formed a gang for defrauding the people and the other co-accused, namely, Mukesh Tyagi is also involved in three more cases, co-accused-Amit involved in one more FIR and co-accused Khan Kharik Badar is involved in two more cases and some of the FIRs are common between all the accused since they formed a gang for deceiving the people. She further submitted that the other co-accused, namely, Khan Kharik Badar and Mukesh Tyagi had filed a bail petition before this Court which was dismissed by a Co-ordinate Bench of this Court on 19.04.2023 and the present petition may also be dismissed.

5. Mr. Yash Yadav, learned counsel for the complainant has also opposed the grant of regular bail to the petitioner on the ground that the petitioner is the main accused, who had duped not only the petitioner but many other persons as well.

6. I have heard the learned counsels for the parties.

7. The petitioner is stated to be in custody for 9 months and the investigation of the case has been completed. The petitioner is also stated to be involved in two more cases of similar nature. There are other co-accused in the present case, who are also involved in number of cases and some of the FIRs

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are stated to be common between them. During the course of hearing, the learned State counsel as well as the counsel for the complainant have submitted that considering the gravity and magnitude of amount involved and the background of the petitioner, there is likelihood that in case the petitioner is released on bail then he may repeat the offence and may also dupe other persons especially considering the fact that they had opened fake accounts. The apprehension expressed by learned State counsel and counsel for the complainant cannot be ignored and does carry weight.

8. After hearing the learned counsel for the parties and considering the gravity and magnitude of the offence, this Court does not deem it fit and proper to grant regular bail to the petitioner.

9. Consequently, finding no merit in the present petition, the same is hereby dismissed.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

07.08.2023

Bhumika(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned	Yes/No
2. Whether reportable:	Yes/No