IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30654-2023 (O & M)
Date of decision: 04.07.2023

Anand …... Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gagandeep Singh Wasu, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

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JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.14 dated 11.01.2022 under Sections 419, 420, 467, 468, 471, 120 and 204 IPC registered at Police Station Urban Estate, Rohtak, District Rohtak.

2. The present case was registered on the complaint of Dr. Punima Dev Arora in which she alleged that on 23.12.2021, at the time of submitting her Income Tax Return, she came to know that her account No.92001000548604 had been opened in the Axis Bank. On enquiry from the bank, she came to know that her Aadhar Card No.878623594487 and PAN Card No.AGDPP1932H had been forged and an account had been opened in her name. When the CIBIL account was generated in her name, she came to know that various loans had been obtained in her name from

various banks and Finance companies and the same were attached with the PAN Card. An amount of Rs.65-70 lacs had been obtained as loan in her name. Some one had forged her documents and had obtained a loan from various banks. On the basis of this complaint, the instant FIR came to be registered.

During the course of investigation, it transpired that fake accounts had been opened on the basis of fictitious documents by various accused.

Initially, one Anil was arrested and got recorded his disclosure statement, pursuant to which, the recovery of a mobile phone and a sum of Rs.1,20,000/- was effected from him. On the basis of the said disclosure statement, the petitioner-Anand was nominated as an accused. He was arrested on 06.08.2022 and two mobile phones and a Tata Safari car were recovered from him. He also got recovered an amount of Rs.1,32,000/-. On the basis of the disclosure statement of Anil, accused-Ajay was arrested and a sum of Rs.1,20,000/- was recovered from him. Subsequently, Bablu Narang was arrested and on the basis of his disclosure statement, a forged Aadhar Card, clothes, cap, muffler and Rs.2,15,000/- were recovered from him. He also got demarcated various ATMs from where he had withdrawn the amount and also the apartments where he by preparing forged rent agreements had obtained loans from the bank. Thereafter, one Upneet Kaur was arrested, who got recovered a sum of Rs.25,000/-. Subsequently, one Barkha was also arrested.

After completion of the investigation, the challan was submitted against Anil, Upneet Kaur, Anand (petitioner), Ajay and Bablu Narang. Co-accused/Barkha was arrested on 01.04.2023 and accused Rahul surrendered in the Court on 11.04.2023. The recovery of cash had been effected from him.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No role had been played by the petitioner. In fact, his photographs and identity card have been misused by the others in order to falsely implicate him in the present case. As the petitioner was in custody since 06.08.2022 and only 02 of the 44 prosecution witnesses had been examined so far, the petitioner was entitled to the concession of bail, moreso, when 04 of his co-accused have been granted the same relief and the case was triable by the Court of a Magistrate.

4. The learned counsel for the State while referring to the reply dated 03.07.2023, on the other hand, contends that the petitioner's name had figured in the disclosure statement of Anil. He was the master-mind of the incident. He had forged documents of various persons by affixing the photographs on PAN Cards. Loans had been obtained from the Axis Bank, Bajaj Finance, Kotak Mahindra Bank and YES Bank. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, concedes that the petitioner is in custody since 06.08.2022, only 02 of the 44 prosecution witnesses have been examined so far and the case is triable by the Court of a Magistrate.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be established during the course of the Trial. Admittedly, the petitioner is in custody since 06.08.2022. The investigation stands completed, charges have been framed and only 02 of the 44 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. This Court in the case of *"Maninder Sharma versus State Tax Officer, State Tax, Mobile Wing, Jalandhar, Punjab, (CRM-M-24033-2021 decided on 31.08.2022)*, has stated that broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule". In the instant case, nothing has been pointed out by the State to suggest that the petitioner would tamper with the evidence, influence witnesses or abscond from the Trial in case he is granted the concession of bail.

7. Keeping in view the aforementioned facts, the further incarceration of the petitioner is not required, and therefore, he can be granted the concession of bail.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Anand, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case except the present one.

10. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

July 04, 2023 **(JASJIT SINGH BEDI)**
sukhpreet **JUDGE**

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