

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1706-2024
Date of decision : 19.03.2024

KUMAR LUVPetitioners

Versus

STATE OF PUNJABRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. C.R. Narwal, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab with ASI Rajinder Pal.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.179 dated 05.09.2023 registered for the offences punishable under Sections 420, 120-B, 506 of the Indian Penal Code and Sections 66-C, 66-D of the I.T. Act, at Police Station Sadar, Ludhiana.

2. Short reply by way of affidavit of Gur Iqbal Singh (PPS), ACP, Ludhiana (South) has been filed on behalf of the respondent/State today in Court, which is taken on record.

3. FIR was registered on the statement made by Puneet Sahny who was working as Manager with HDFC Bank at Phullowal Pakhowal Road, Ludhiana. The petitioner is not named in the FIR. However, his role that has come-forth during the course of investigation is of being one of the main accused along with Sukhjeet Singh who was working as Relationship Manager with HDFC Bank. The *modus operandi* is that on the information supplied by an employee of the bank the petitioner used to mastermind

transfer of the amount to different accounts. The petitioner was apprehended which led to recovery of Rs.17,35,000/- along with debit cards as well as credit cards.

4. Counsel for the petitioner submits that apart from the disclosure statements suffered by co-accused while in police custody there is no direct evidence against the petitioner. Challan already stands presented and prolonging the custody of the petitioner would be of no use.

5. Per contra, counsel for the State however submits that the petitioner is a kingpin in whole of the scam and there are serious allegations levelled against the petitioner. However, he does not dispute that the petitioner has no criminal antecedents. The challan already stands presented. The evidence is in digital form which cannot be tampered with.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the nature of the allegations and the nature of evidence against the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 19, 2024
Dpr

(Pankaj Jain)
Judge

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