

**CRM-12304-2024 in/and
CRM-M-2876-2024**

1

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

(105+219)

**CRM-12304-2024 in/and
CRM-M-2876-2024
Date of Decision:- 20.03.2024**

Aarshpreet Singh
.....Petitioner

Versus

Union Territory Chandigarh
.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Rahil Mahajan, Advocate for the petitioner.

Mr. Munish Bansal, PP, UT, Chandigarh and
Mr. Abhinav Gupta, Addl., PP, UT, Chandigarh.

ALOK JAIN, J. (Oral)

CRM-12304-2024

The present application is for placing on record the Challan/Final
Report under Section 173(2) Cr.P.C. dated 02.02.2024.

Application is allowed as prayed for.

Annexure P-5 is taken on record.

CRM-M-2876-2024

1. Prayer is for grant of regular bail to the petitioner in case FIR
No.102 dated 26.08.2023, under Sections 406, 420, 467, 468, 471 and 120-B

CRM-12304-2024 in/and
CRM-M-2876-2024

2

of IPC, registered at Police Station Mauli Jagran, UT, Chandigarh.

2. Learned counsel for the petitioner after taking through the contents of the FIR as well as the challan submits that he is at parity with the accused Varun, who has been granted the concession of regular bail by the Court below. He further submits that the challan has been presented and the entire evidence is documentary in nature, therefore, no useful purpose would be served by keeping the petitioner in further incarceration as he has already undergone the custody of almost four months. Learned counsel for the petitioner further submits that, in fact, the main accused Kanishk Bhagat, who was the Field Officer has also been granted the concession of regular bail.

3. Learned State counsel for UT, Chandigarh vehemently opposes the grant of concession to the petitioner on the ground that the petitioner played a pivotal role to cheat the loanees that to in a deliberate and organized manner and with a *mala fide* intention prepared the fake and forged documents such as the salary slips, employees ID cards, Aadhar Cards, Pan Cards and Form -16 etc. and embezzled the funds of the Bank to derive wrongful gain and cause wrongful loss to the complainant-Bank. However, could not deny the fact that the accused Kanishk Bhagat as well as Varun have been granted the concession of regular bail.

4. Learned State counsel has also pointed out that another co-accused Priya had sought the concession of anticipatory bail from this Court and the same was also dismissed.

5. At this stage, learned counsel for the petitioner reiterates that the petitioner would seek parity with co-accused Varun, who has been granted the

**CRM-12304-2024 in/and
CRM-M-2876-2024**

3

concession of regular bail from the Court below as being identically placed. He further submits that no recovery is to be effected from the petitioner and the challan already stands presented.

6. After hearing learned counsel for the parties at length and considering the fact that the entire evidence is documentary in nature and the petitioner is in custody almost 04 months. The trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

7. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

10. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an

CRM-12304-2024 in/and
CRM-M-2876-2024

appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

11. However, it is made clear that this order shall not be construed as parity *qua* any other co-accused.

March 20, 2024
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(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No