IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on : April 22, 2024
Date of Decision : April 25, 2024

CRM-M-9656-2024 (O&M)

Satyam Kumar **… Petitioner**

Versus

State of Haryana … Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By : - Mr. Ivneet Singh Pabla, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

DEEPAK GUPTA, J.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.399 dated 28.08.2020, under Sections 420, 467, 468, 471 of IPC (Section 120-B of IPC added later on), registered at Police Station City Bahadurgarh, District Jhajjar.

2. Status report by way of affidavit dated 05.04.2024 of Shri Sanjay Kumar, Assistant Commissioner of Police, Jhajjar, has already been received through Registry and the same is taken on record.

3. As per the prosecution allegations, an amount of ₹88,68,000/- was withdrawn during July to August, 2020 from IDBI Bank account of Municipal Council, Bahadrugarh through 08 different fake cheques and the same was deposited in the bank account of co-accused Ram Aasre. Another attempt was made to withdraw an amount of

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₹9,95,000/- & ₹9,93,000/- from the Axis bank account of the complainant - Municipal Council, Bahadurgarh, by using two more fake cheques, but the same were stopped. The money so withdrawn was the Government money pertaining to Pradhan Mantri Awas Scheme. The investigation revealed that the money deposited in the account of co-accused Ram Aasre was later on withdrawn by petitioner and other co-accused by netbanking/ATM. During investigation, it has also been found that while opening the accounts in the banks, co-accused Ram Aasre had used mobile Nos.6204647821 and 8539935766. On investigation, it was found that one SIM of Airtel Company linked with the bank account was obtained by using Aadhar Card of one Jasim Akram S/o Mohammad Mustakim and on the application, photograph of the present petitioner was found to be affixed. Another SIM of Jio Company was obtained by using the photograph of co-accused Omkawar.

4. It is contended by learned counsel that petitioner has been falsely implicated; that only role attributed to him is to have identified the main accused – Ram Aasre at the time of opening of the account in the Union Bank of India; that there is no documentary evidence that he was beneficiary in the entire transaction. It is further submitted that co-accused Ram Aasre has already been allowed bail; that investigation is already complete; that the trial may take long time to conclude and so, he be allowed bail.

5. Strongly opposing the bail petition, learned State counsel contends that petitioner is the kingpin of the entire racket. Attention is

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drawn towards the order dated 15.12.2023 passed by this Court in CRM-M-53054-2023 (Annexure P-2), whereby co-accused Ram Aasre was granted bail by observing that during the entire period from 17.07.2020 to 24.08.2020, in which the fake cheques were used to withdraw the amount from the account of the Municipal Council, Bahadurgarh, said co-accused Ram Aasre was behind the bars in some other case. Learned State counsel contends that it is the petitioner, who was using the bank accounts of co-accused Ram Aasre for depositing the amount of fake cheques and that it is the petitioner, who along with co-accused withdrew the amount from the bank accounts of Ram Aasre by net banking. Learned State counsel also submits that it is the petitioner, who by affixing his photograph on the Aadhar Card of Jasim Akram, obtained one sim and linked the same with the bank account opened in the name of co-accused Ram Aasre. Learned State counsel expressed apprehension that in case petitioner is allowed bail, he may try to win over the witnesses. By pointing out that huge amount belonging to the Government has been siphoned off by using fake cheques, prayer is made for dismissal of the petition.

6. I have heard learned counsel for both the parties and have apprised the record.

7. No doubt, as per the investigation carried out by the Investigating Agency, co-accused Ram Aasre has been projected as main accused, in whose name bank accounts were opened, in which amount of fake cheques pertaining to Municipal Council, Bahadurgarh, were deposited, but while deciding the bail petition of said Ram Aasre, it was

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observed by this court that during the entire transaction period, he was in custody in some other case. It is the petitioner, who has been found to be kingpin, managing all the things as has been pointed out by learned State counsel and so, he cannot claim parity with co-accused Ram Aasre. The trial is yet to begin. The apprehension of the respondent-State cannot be brushed aside to the effect that in case petitioner is released on bail, he may try to tamper with the evidence and win over the witnesses.

8. Having regard to all the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, this Court is not inclined to grant bail to the petitioner.

Dismissed.

April 25, 2024 **(DEEPAK GUPTA)**
Sarita **JUDGE**

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

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