2024:PHHC:085096

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

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CRM-M No.19082 of 2024
Date of Decision: 08.07.2024

Vikas ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harish Sharma, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

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MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
178	12.12.2023	Focal Point, District Police Commissionerate Ludhiana	419 and 420 of IPC (467, 468 and 471 of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a written complaint filed by complainant Kamaljit Bhatia authorized representative of KMRA Associates alleging therein that his company entered into an agreement with one M/s ECR Build Tech Private Limited, Delhi for construction on its site at Assam. Steel material was required to be supplied by the company of the complainant to the abovesaid M/s ECR. He alleged that one person while representing

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his name as Gaurav Sharma and claiming himself to be Business Development Manager of Tata Steel, approached Kishore Rout an employee of the company of the complainant and shared quotation for supplying steel material. After making negotiations and fixing rates, a deal was struck for purchase of steel material from the abovesaid Gaurav Sharma. He generated a tax invoice bearing Sr. No.234694KF48 on 11.12.2023 and made a request to disburse 25% of the amount of the material to be purchased by the company of the complainant in the bank account which was mentioned in the tax invoice. Believing the contents of the quotation and the tax invoice got generated by the abovesaid Gaurav Sharma to be genuine, the company of the complainant disbursed an amount of Rs.20,98,681/- in the bank account as mentioned in the tax invoice and a letter was also written to its banker in this regard and the said amount was disbursed on the same day. However, on the very next date, it was revealed that the bank account mentioned in the tax invoice infact stood in the name of one Vishv jeet. It was also revealed that the amount so deposited had been transferred to different accounts by the abovesaid alleged Gaurav Sharma and in this manner, the company of the complainant had been cheated and wrongful loss to the tune of the aforementioned amount had been caused to it. After registration of FIR, investigation proceedings were initiated.

3. As per the allegations, it was revealed during the course of the investigation that the present petitioner along with his brother was running a Computer Centre named as G. Tech Computer Centre in Village Dunda Khera, Gurugram, Haryana and both of them used to prepare forged Aadhar

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Cards and got opened fake online bank accounts and one of these accounts so got prepared by them had been used by the co-accused who represented himself as Gaurav Sharma and the co-accused Vishv jeet to get the huge amount of money transferred from the complainant company by inducing him to enter into business deal on the pretext that he was supplying material of Tata Steel. The petitioner and the co-accused Vivek who is his brother were arrested on 07.01.2024 and moved application for grant of bail which was dismissed on 14.02.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 07.01.2024. He does not own and run any business and infact, it is his brother i.e. co-accused Vivek who owns and manages the shop namely, G.Tech Computer. The petitioner is suffering from Psychiatric ailments and is undergoing treatment from Ram Manohar Lohia Hospital, New Delhi and is not in a position to run any business. His custodial interrogation is no more required. Neither any recovery is to be effected from him. No useful purpose would be served by detaining him in custody. Investigation has since been completed and challan against him stands presented. Therefore, it is urged that he deserves to be extended benefit of bail.

5. The respondent-State was directed to file status report with regard to medical condition of the petitioner. A report has been filed on 01.07.2024, as per which, the petitioner had given history before Senior Medical Officer, Central Jail, Ludhiana of his being suffering from Psychiatric illness and taking treatment from private practitioner and then

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having consulted Dr. Ram Manohar Lohia Hospital. As per this report, the petitioner is not taking any medication for his illness since his entry in the jail and his mental condition is stable. It is also reported that no record regarding providing of any previous treatment to the petitioner is available. A copy of the report of the doctor has been annexed as Annexure R-1. It is argued by learned State counsel that the allegations against the petitioner are serious in nature. Therefore, he does not deserve to be given concession of bail.

6. I have heard learned counsel for the petitioner and learned State counsel at length and have gone through the record.

7. The petitioner was admittedly not named in the FIR and as per the prosecution version, he along with the co-accused Vivek-his brother used to prepare forged and fabricated Aadhar Cards and bank accounts which were being used by the other accused to commit online frauds and by using one of such Aadhar Cards as prepared by the petitioner and his brother, the complainant company had been duped of a huge amount of money by the co-accused. The petitioner has placed on record Anneuxre P-3 which is copy of an admit card showing the co-accused Vivek to have appeared for UIDAI Certification for Operator-Supervisor course in the year 2021. Annexure P-4 is copy of certificate issued by NSEIT which is shown to be an authorized testing and certification agency on behalf of UIDAI showing that it was the co-accused Vivek who was qualified as EA Supervisor by UITAI, a document generated from the online record showing that it is the co-accused who is having certification of Computer and Supervisor of UIDAI

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Certification that apart he has also placed on record, Annexure P-6 showing that he had remained under treatment of Dr. Ram Manohar Lohia Hospital, New Delhi during the year 2021 and 2023 for Psychiatric treatment. It is a debatable question that he along with the co-accused Vivek was involved in preparation of fake Aadhar Cards or bank accounts or not? He is in custody since 07.01.2024. Though his mental condition is shown to be stable presently but record shows that he was taking Psychiatric treatment from a Government hospital previously. Keeping in view the period of incarceration of the petitioner, the part attributed to him in commission of the subject offences and the other facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

(MANISHA BATRA)
JUDGE

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

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