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

Decided on 14.08.2024

CRM-M-25227-2024

Sunny Malhotra		Petitioner
	versus	
State of Punjab		Respondent

CRM-M-31939-2024

Deepak		Petitioner
	versus	
State of Punjab		Respondent

CRM-M-26144-2024

Himanshu		Petitioner
	versus	
State of Punjab		Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. P.S.Bindra, Advocate
for the petitioner in CRM-M-25227-2021.

Mr. Anmol Puri, Advocate
for the petitioner in CRM-M-31939-2024.

Mr. Tarun Dhingra, Advocate
for the petitioner in CRM-M-26144-2024.

Mr. Navdeep Singh, DAG, Punjab.



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Manjari Nehru Kaul, J.(Oral)

This order shall dispose of above-said three petitions as all of them have arisen out of same FIR. Brief facts of the case are taken from CRM-M-25227-2024.

Main case

This is the petition filed under Section 439 Cr.PC for the grant of regular bail to the petitioner in case FIR No.11 dated 24.01.2024 for the offences under Sections 419, 420, 467, 468, 471 and 120-B IPC registered at Police Station Lahori Gate (wrongly mentioned as Division No.4 in the FIR) District Patiala.

Submissions made by Learned counsel for the petitioner in CRM-M-25227-2024

2. Learned Senior counsel for the petitioner Sunny Malhotra submits that the petitioner has been nominated as an accused on the basis of a disclosure statement made by co-accused Deepak. It has been further submitted that the petitioner is engaged in the business of Western Union Money Transfer, which requires substantial daily cash transactions for legitimate business purposes. Hence, the alleged recovery of Rs.30 lakhs from the petitioner was on account of his business dealings and also part of a sale consideration pertaining to some joint family property. Learned Senior counsel has further submitted that the petitioner has now been in custody since 05.03.2024 in a Magisterial trial; challan stands presented and hence, no useful purpose would be served to keep the petitioner in custody as there is no apprehension of the petitioner tampering with evidence, more so,



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when the entire case of the prosecution is based upon documentary evidence.

Submissions made by Learned counsel for the petitioner in CRM-M-31939-2024

3. Learned counsel for the petitioner Deepak has submitted that the petitioner was neither named in the FIR in question nor he was remotely connected with the crime in question; the petitioner is not even a beneficiary of the alleged transaction and no amount of money whatsoever was ever deposited in his bank account, he was merely working as Sales Manager in Axis Bank, Ludhiana. The alleged extortion calls were given by co-accused Shivam Yadav and Kamlesh Yadav and even as per the case of the prosecution, it was not the petitioner, who had impersonated DIG, Police; the petitioner has been nominated as an accused on the basis of disclosure statement allegedly suffered by co-accused Ravi Kumar, which carries very weak evidentiary value. Learned counsel has also submitted that since investigation is complete and as many as 33 prosecution witnesses have been cited, further incarceration of the petitioner would serve no useful purpose as trial would take considerable time to conclude.

Submissions made by Learned counsel for the petitioner in CRM-M-26144-2024

4. Learned counsel for the petitioner - Himanshu has submitted that the petitioner is a student and is not even remotely connected with the crime in question much less in the alleged transaction of money. The only role alleged against the petitioner of



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having provided sim card of a mobile phone to the co-accused. Learned counsel also submits that since challan stands presented, his further incarceration in the present case, which is triable by Magistrate, no useful purpose would be served as there can be no apprehension of the petitioner tampering with evidence, more so, when the case of the prosecution hinges on documentary evidence.

5. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner by reiterating the allegations levelled in the FIR in question. Learned State counsel, on instructions, has not disputed that petitioners Sunny Malhotra and Deepak were indeed nominated as an accused on the basis of disclosure statement made by co-accused, however, it has been submitted that enough incriminating evidence had been collected by the police after the registration of the FIR in question. The stage of the trial has not been disputed by the learned State counsel.

6. On a pointed query put to the State counsel, it has also not been disputed that the petitioners do not have any criminal antecedents.

7. Heard learned counsel for the parties and perused the relevant material available on record.

8. The petitioners Sunny Malhotra and Deepak are in custody since 05.03.2024 whereas petitioner Himanshu is in custody since 22.03.2024. The investigation in the present case is complete as challan stands presented. Since 33 prosecution witnesses have been



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cited by the prosecution, there is no possibility of the trial concluding in the near future as charges are likely to be framed on the next date of hearing.

9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner(s). Accordingly, the instant petition(s) is/are allowed. The petitioner(s) be admitted to bail on his/their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

14.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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