287 **IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

CRM-M-35545-2024
Date of decision: 22nd August, 2024

Preena

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashish Soi, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

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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 the 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 his name as Gaurav Sharma and claiming himself to be Business Development Manager of Tata Steel, approached Kishore Raut, 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 Vishvajeet. 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. During the course of investigation, it was revealed that the petitioner in conspiracy with the co-accused Soni, Chotu Kumar, Gaurav

Kumar, Gaurav Sharma, Sadhna Dutt and Vishvajeet had got prepared her fake Aadhar card mentioning some wrong address, from the co-accused Vivek and Vikas and thereafter opened some bank accounts on the basis of those fake Aadhar cards and transferred an amount of Rs. 50,100/- out of the defrauded amount in her own bank account. She was arrested on 07.01.2024. She suffered disclosure statement admitting her involvement in the case. Investigation has since been completed. The petitioner had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Ludhiana which had been dismissed vide order dated 15.07.2024.

4. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated in this case. She could not be connected with the subject offences. She has never remained in touch with the main accused. The trial is likely to take time. Her custodial interrogation is not required. The co-accused Vikas has since been extended benefit of bail on the ground of parity, she too deserves to be released on bail. Therefore, it is urged that the petition deserves to be allowed.

5. Status report has been filed by the respondent-State. It is submitted therein and it has been argued by learned State counsel that the petitioner in connivance with the co-accused had opened an account in Axis Bank in her name by using a fake Aadhar Card mentioning some wrong address and got transferred an amount of Rs. 50,100/- out of the defrauded amount of Rs. 20,98,621/- obtained by cheating the complainant and

committed offences of forgery with him. Her complicity in the subject crime is reflected from the record. The allegations against her are serious in nature. The case of co-accused Vikas who had been extended benefit of bail cannot be treated at parity with the case of the petitioner as he was extended benefit of bail due to his medical condition and further due to the fact that he was not owner of the shop, where the alleged forged and fabricated Aadhar Cards were prepared for the purpose of cheating the complainant. There are chances of petitioner's committing similar offences or absconding, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

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

7. The petitioner is alleged to have entered into the conspiracy with the co-accused and in pursuance of that conspiracy, she is alleged to have opened a bank account in Axis Bank in her name on the basis of fake Aadhar Card by mentioning a wrong address in the same. She is beneficiary of an amount of Rs. 50,100/- out of the amount of money extracted from the complainant by cheating him. It is also not the plea taken by her that someone else had opened account in her name by impersonating her. She is alleged to be part of a larger conspiracy whereby fraud was committed upon the complainant thereby depriving him of a huge sum of money. The allegations against the petitioner are grave in nature. There is nothing on record to show that there would be any undue delay in conclusion of the

trial. The case of petitioner is not at parity with the co-accused Vikas who was extended benefit of bail by this Court. Keeping in view the gravity of allegations as levelled against the petitioner, quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

22nd August, 2024
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No