

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

227

2024:PHHC:024835

CRM-M-50628-2023

Date of decision: February 22nd, 2024

Mukesh Bharti @ Shyam

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Parashar, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Additional Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.21 dated 16.05.2023 under Sections 419/420/467/468/471 of the IPC registered at Police Station Cyber Crime NIT, Faridabad.

2. The FIR in question came to be registered on 16.05.2023.

The relevant part thereof is reproduced as under:-

“To, The SHO Police Station Cyber Crime NIT Faridabad Subject:- Regarding taking loan fraudulently by misusing PAN card. Sir, I am Rahul Tanwar, son of Dharamveer Singh Tanwar, resident of house no. 2280 Aravali Vihar Sector-49 Faridabad. My PAN card number is ALGPT2136H. On March 10, 2023, amounts of Rs.18,519/- and Rs.8,348/- were debited from my HDFC Bank savings account no. 50100544150506. When I inquired from the bank, I came to know that a loan had been taken fraudulently against my PAN card without my knowledge. When I got the CIBIL report from PAISABAZZAR.COM, I

came to know that without my knowledge, a total of 10 loans have been taken by fraudulently using my PAN which are as follows 1. From KRAZYBEE SERVICES PVT LTD through some other mobile number 7662871950 dated Loan of Rs.15,000/- was taken on 06.09.22. 2. Loan of Rs.1,34,647/- was taken from HDFC BANK LTD through mobile number 7662871950 on 15.09.22. 3. A loan of Rs.54,900/- was taken from HDFC BANK LTD through another mobile number 7662871950 on 15.09.22. 4. A loan of Rs.1,03,170/- was taken from DMI FINANCE PVT.LTD through another mobile number 7662871950 on 16.09.22. 5. A loan of Rs.75,000/- was taken from INDIA INFOLINE INVESTMENT SETVICE LIMITED through another mobile number 8527924487 on 29.08.22. 6. A loan of Rs.75,000/- was taken from KRAZYBEE SERVICES PVT LTD through another mobile number 7662871950 on 11.10.22. 7. Loan of Rs.57,000/- was taken from KOTAK MAHINDRA BANK LIMITED through other mobile number 8168716584 on 07.10.22. 8. Loan of Rs.75,000/- was taken from KRAZYBEE SERVICES PVT LTD through other mobile number 7662871950 on 02.11.22.9. Loan of Rs.1,000/- was taken from FULLERTON INDIA CREDIT COMPANY LIMITED through other mobile number 9310554748 on 31.10.22. 10. A loan of Rs.17,000/- was taken from INNOFIN SOLUTIONS PVT.LTD through another mobile number 8851907684 on 03.11.22. Sir, without my knowledge, the above mentioned loan has been taken for a total of Rs.6,22,717/- by an unknown person by fraudulently using my PAN card number ALGPT2136H. Therefore, you are requested to take legal action against the above mentioned unknown person.”

3. Learned counsel for the petitioner, *inter alia*, contends that he along with his wife has been falsely implicated in the instant case

and the only role attributed to him is of his mobile being used in the crime in question for availing a loan of ₹75,000/-. He submits that out of the amount allegedly obtained as loan, only ₹10,000/- had been received by him and it was a matter of record that only Rs.7,000/- had subsequently been recovered from him. He submits that in a case triable by Magistrate, the petitioner has been now in custody since 18.05.2023. Even though the challan was presented on 11.08.2023 and charges were framed on 16.11.2023, however, till date none of the 16 prosecution witnesses had been examined. Hence, the possibility of the trial concluding in the near future looks bleak. A prayer has, therefore, been made to enlarge the petitioner on bail as his further incarceration would serve no useful purpose.

4. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the stage of trial. He, however, submits that the next date fixed before the trial Court is 26.02.2024 when the prosecution evidence is likely to commence.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the facts and circumstances as enumerated hereinabove, especially the role attributed to the petitioner, coupled with the petitioner facing magisterial trial, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude. The instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. 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.

February 22nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No