

CRM-M-50348-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50348-2024
Reserved on: 11.11.2024
Pronounced on: 28.11.2024

Kuldeep Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Govind Arora, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. Davinder Lubana, Advocate and
Mr. Dhruv Sharma, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
08	04.01.2021	Naraingarh, Distt. Ambala	406, 409, 420, 467, 468, 471 & 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. As per custody certificated dated 03.11.2024, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	157	02.04.2022	406/420 & 120-B IPC	Naraingarh, Ambala
2	255	13.07.2021	406/420, 120-B, 467, 468, 471 IPC	Naraingarh, Distt. Ambala
3	43	11.02.2020	406, 420, 467, 468, 471 , 120-B IPC	Naraingarh, Distt. Ambala

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That as a matter of fact the present case has been registered on the complaint made by Shyam Lal Verma bearing No. 43/R/DSP/N dated

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04.01.2021 against the accused-petitioner Kuldeep Singh, Deewan and other co-accused persons total 18 accused namely Vinod Kumar, Randhir Singh, Rasal Chand, Sunil Kumar, Suman Sharda, Hamir Singh, Som Nath, Sumit, Amit, Ritu Rani, Ankit, Vipin, Sahil Anil, Kamlesh and Pawan (since deceased). The allegations of the complainant in above mentioned FIR No. 8 dated 04.01.2021 are that the co-accused Sunil Kumar Diwan, Vinod Kumar and Rasal Chand were employees of the State Bank of India and they alongwith other employees of bank constituted a co-operative society in the name of "The Nationalized Bank Employees and other Public Co-Operative T & C Society Limited, Naraingarh and got it registered with the office of Assistant Registrar Co-operative Societies, Naraingarh District Ambala vide registration No. 13 dated 15.02.1989. Accused Rasal Chand became the President, accused Vinod Kumar was Vice President and present accused Sunil Kumar Diwan was Secretary in the Society alongwith other members and office bearers of the society. In the year 2003, accused Kuldeep Kumar brother in law of accused Rasal Chand (accused Kuldeep Kumar brother in law of accused Rasal Chand joined in the society and nominated as President of the society) and joined in the society and co-accused- Randhir Singh joined as Account Manager in the year 2008. All the accused allured the general public to invest in the society to get higher rate of interest 11-12% as compared to the other nationalized Bank and issued FDs against investment to various people. On the allurement of accused, complainant Shyam Lal who was also an employee in the State Bank of India Naraingarh invested Rs 9 Lakh by way of 4 different FDs from the year of 2013. Similarly other complainant Smt. Suman w/o Late Sh. Mohinder Singh and her son Vishal and daughter Heena and daughter-in-law Smt Ashwini Patil w/o Vishal also invested Rs. 84,65,205/- by way of 30 different FDs in the Society. On the each date of maturity of FDs, complainants kept on renewing these FDs till the year 2020. In the year 2020 when the complainant asked to mature their FDs, the accused person refused to return their amount. Accused person thereby committed fraud of Rs. 93,65,205/- as principal amount and after calculation of interest as per maturity date the fraud goes to more than one crore ie. Rs. 1,30,48,833/-. The facts in detail have been mentioned in the FIR and the copy of FIR has already been annexed by accused-petitioner with the petition as Annexure P-1, hence, the facts in detail are not repeated herein for the sake of brevity."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the

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petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.
6. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 5 of the bail petition, the petitioner has been in custody since March 2021. As per the custody certificate dated 03.11.2024, the petitioner’s total custody in this FIR is 03 years, 07 months & 02 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.
7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.
8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	
10. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
11. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.
12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

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13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.11.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.