IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

294 **CRM-M-1200-2025**
Date of decision: 19th March, 2025

Narender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

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MANISHA BATRA, J (ORAL):-

The instant one is the third petition for grant of regular bail as filed by the petitioner in case arising out of FIR No. 261 dated 18.11.2022 registered under Sections 120-B, 419, 420, 467, 468 and 471 of IPC at Police Station Sushant Lok, District Gurugram. The previous two petitions so filed by him before this Court have been dismissed as withdrawn.

2. As per the prosecution case, the complainant Ramamohan Reddy Chereddy submitted a written complaint on 18.11.2022, alleging therein that he was having a Provident Fund (PF) Account maintained with the Provident Fund, Branch office situated at Gurugram and an amount of Rs.1,02,24,429/- was lying deposited in this PF account since 20.10.2021. He alleged that a few days back, he had made a call at customer care centre of the PF Branch and came to know that the entire account of provident fund

as deposited in his account had been withdrawn by some other person. On making inquires, it was revealed that some person had opened an account with Kotak Mahindra Bank, Branch Basant Kunj, Delhi by using forged documents and by impersonating the complainant and by showing him as an employee of some company for a period of one month only and on the basis of fabricated forms/documents, had withdrawn the aforementioned amount. FIR was registered. Investigation proceedings were initiated.

3. During the course of investigation, it was revealed that the petitioner who was working as Data Entry Operator on contractual basis with PF Department since 2019, by conniving with the co-accused had hatched a conspiracy and in pursuance thereof, had opened an account in the name of the complainant with Kotak Mahindra Bank, Basant Kunj Branch and by forging documents, had transferred the money deposited in the provident fund account of complainant to the said account and then to the accounts of different account holders by representing to them that their accounts were being used to save tax by some of their friends. He is alleged to have taken the amount so transferred in the bank accounts of his acquaintances from them. Some of the witnesses whose statements were recorded during the course of investigation disclosed so and some of them have been nominated as an accused.

4. The petitioner was arrested on 15.11.2023. He was interrogated and suffered disclosure statement admitting his involvement in the crime and disclosing that he had withdrawn an amount of approximately Rs. 80,00,000/- from the bank accounts of his acquaintances/friends so transferred from the PF account of the complainant and had received an

amount of Rs. 6,00,000/- for himself, whereas, the remaining amount was given by him to co-accused Akash and Sajan. Investigation stands concluded and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. No money has been transferred in his bank account. He has been involved in this case only because of the fact that some amount of money has been transferred in his bank account from the bank account of co-accused Anil and Akash. Trial is likely to take time. No evidence has been collected to connect him with allegations levelled in the FIR. He is in custody since long. Only one out of 17 witnesses, has been examined so far. His further incarceration would not serve any useful purpose. He also deserves to be extended benefit of bail under the provisions of Section 480(6) of BNSS (which are *pari materia* with Section 437(6) of Cr.P.C.). Therefore, it is urged that the petition deserves to be allowed.

6. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana that the petitioner in connivance with the co-accused had hatched a conspiracy and in pursuance thereof, had opened a bank account in the name of the complainant by impersonating him and by use of forged/false documents. He had filled up Form No. 19 and 31 online for withdrawing money from the account of the complainant and by making different transactions during the period from 24.05.2021 till 21.09.2021, withdrew huge amount of money and transferred it to the above said bank account and then to the account of different 18 bank

account holders. It has transpired during investigation that the petitioner along with his accomplices had taken cash from the beneficiary account holders. He being an employee of PF department had access to the confidential information relating to the PF account and by misusing his official position and the privilege, he was having in his official capacity and he had used that information to commit the subject offences. He was the master mind of crime. There are serious allegations against the petitioner. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail.

7. With regard to the contention that the petitioner deserves to be released on bail since the trial has not concluded within a period of 60 days from the first date fixed for taking evidence, is concerned, it is argued that the provisions of Section 437(6) of Cr.P.C. (now Section 480(6) of BNSS) cannot be held to be mandatory. In this regard, learned State counsel has placed reliance upon the observations made by the High Court of Madhya Pradesh at Jabalpur in the order dated 16.03.2018 passed in MC-RC No. 2688 of 2018 titled as '***Dev Raj Maratha @ Dillu Vs. the State of Madhya Pradesh*** and by the High Court of Kerala in ***Kallabhai Chagan Bhai Baboor Vs. State of Kerala, Law Finder Doc ID 2560326***.

8. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

9. The petitioner in connivance with the co-accused and by taking advantage of the fact that he was an employee of PF department (on contractual basis) and had access to the data of the account holders, is alleged to have taken undue advantage of the fact that the complainant was

residing abroad and his account was not operated from quite some time. He is further alleged to have prepared false and fabricated documents and got opened bank account in the name of the complainant by way of impersonation and is further alleged to have got an amount of Rs.1,02,24,429/- transferred in the said account and from that account to the bank account of his acquaintances, friends from whom, he is alleged to have taken the aforementioned amount in cash by way of withdrawal. The petitioner is alleged to be mater mind of the crime. The allegations against him are quite serious in nature. No doubt, a period of more than six months has been expired from the date of framing of charge and evidence of the prosecution has not been concluded, however, that cannot be considered to be a sole ground for grant of bail to the petitioner since as per the provisions of Section 480(6) of BNSS (*pari materia* with Section 437(6) of Cr.P.C.), it is the recording of reasons in writing which is mandatory in case of refusal of grant of bail in a case where trial is not concluded within a period of 60 days and no fetters can be put on the right of the Court to refuse bail while taking into consideration, the nature of the allegations, the criminal antecedents of the accused or any other justifiable reason. Reference in this regard can had to the observations made in the cases cited by learned State counsel.

10. Keeping in view the gravity of the allegations as levelled against the petitioner, the 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, lest they cause prejudice to either of the parties, I am of the considered opinion that the

petition does not deserve to be allowed. Hence, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

19th March, 2025
Parveen Sharma

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