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

CRM-M-1951-2025
Reserved on: 07.03.2025
Pronounced on: 27.03.2025

Rakesh Pandey ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rakesh Bhatia, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. Vijay Pal, Advocate and
Mr. Akash Lather, Advocate
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
514	22.08.2024	Hansi city, District Hisar	406 & 420/120B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the status report dated 27.02.2025 filed by the State, which reads as follows:

> *"That the brief facts of the case are that a complaint was receivedin the office of Superintendent of Police, Hansi for initiating action against Manbir Singh, Dalbir Singh, Venkata Ramana Murtiand Kamaludin Khan with the allegations of committing fraud with the father of the complainant. As per the allegations against the accused they duped the father of the complainant with an assurance that they would get him appointed as Governor of Andaman Nicobar Island. Under the garb of this assurance, they took Rs.10,45,00,000/- (Ten Crore Forty five Lacs) including Rs.8,45,00,000/- (Eight Crore Forty five Lacs) by bank transactions and Rs.2,00,00,000/- (Two Crore) in cash. After the fraud*

was detected, co-accused Manbir Singh returned Rs. 10,00,000/- (Ten Lacs) to his father. In pursuance of the investigation of the case bank statements of concerned banks were collected by the investigating officer and found the allegations to be true. It is further submitted that the allegations against the co-accused Kamaludin are that in the month of February, 2021; complainant and his father were present in the house No. 830, Sector 17-A, Gurugram of their relative. Kamaluddin came and told them that he had a word with Manbir Singh and Venkata Ramana Murtiand they would soon get him appointed as Deputy Governor of Andaman and Nicobar. He asked his father to give him Rs.20,00,000/- (Twenty Lacs) as a donation of his NGO. According to his request, his father Late Surender Malik transferred Rs.20,00,000/- (Twenty Lacs) in the Bank account of NGO, Umed Health Care Society. After few days, his father alongwith his cousin Mandeep went to the office of Kamaluddin and paid Rs.20,00,000/-(Twenty Lacs) in cash. During the course of the investigation of the case Rs.20,00,000/- (Twenty lacs) were found to be transferred from account No.2011211130266604 of AU Small finance Bank to co-accused Kamaluddin's NGO Umed Health Care Society. It is further submitted that during the investigation of the case it has been found that the allegations against the co-accused Dalbir Singh are that he alongwith another accused namely Manvir Singh grabbed Rs.1,00,00,000/- (One Crore) and alleged amount was credited in the account No. 2368101013192 Canara Bank of co-accused Dalbir Singh from the account No. 53490100008366 Bank of Baroda namely Surender Malik i.e. father of the complainant on dated 14.09.2020. It is pertinent to mention here that when complainant's father Surender Malik detected the fraud, co-accused namely Dalbir Singh returned Rs.10,00,000/- (Ten Lacs) to account No. 53490100008366 Bank of Baroda namely Surender Malik by co-accused Dalbir Singh from his account No. 2368101013192 Canara Bank on dated 02.12.2022. An amount Rs. 50,00,000/- (Fifty Lacs) was credited in the account No. 113305001049 ICICI Bank in the name ofSunny Sales Corporation from the account No. 53490100008366 Bank of Baroda namely Surender Malik i.e. father of the complainant on dated 11.09.2020. Copy of transaction details is annexed herewith as Annexure R-1. An amount Rs. 1,50,00,000/-(One Crore Fifty Lacs) was credited in the account No. 003105037476 ICICI Bank in the name of Rolex Trading Corporation from the account No. 17311000005587 HDFC Bank namely Surender Malik i.e. father of the complainant on dated 11.09.2020. Copy of transaction details is annexed herewith as Annexure R-2. An amount of Rs. 2,00,00,000/- (Two Crore) was credited in the account No.

003105037476 ICICI Bank in the name of Rolex Trading Corporation from the account No. 53490100008366 Bank of Baroda namely Surender Malik i.e. father of the complainant on dated 18.12.2020 and 19.12.2020. An amount of Rs. 1,00,00,000/- (One Crore) was credited in the account No. 695605601040 ICICI Bank in the name of Mahadev Traders from the account No. 53490100008366 Bank of Baroda namely Surender Malik i.e. father of the complainant on dated 18.12.2020. Copy of the same is annexed herewith as Annexure R-3. An amount of Rs. 95,00,000/- (Ninty Five Lacs) was credited in the account No. 003105037476 ICICI Bank in the name of Rolex Trading Corporation from the account No. 53490100008366 Bank of Baroda namely Surender Malik i.e. father of the complainant on dated 13.01.2021. Copy of the same is annexed herewith as Annexure R-4. An amount of Rs. 2,50,00,000/- (Two Crore Fifty Lacs) was credited in the account No. 695605601040 ICICI Bank in the name of Mahadev Traders from the account No. 2011211130266604 AU Small Finance namely Surender Malik i.e. father of the complainant on dated 13.01.2021, 28.01.2021, 03.02.2021 and 04.02.2021. An amount of Rs. 20,00,000/- (Twenty Lacs) was credited in the account No. 031101003476 ICICI Bank in the name of Umed Health Care Society from the account No. 2011211130266604 AU Small Finance namely Surender Malik i.e. father of the complainant on dated 06.02.2021. Copy of the same is annexed herewith as Annexure R-5. It is specifically submitted that Rs. 1,00,00,000/- (One crore) cash was given to co-accused Manbir, Rs.1,00,00,000/- (One crore) cash was given to co-accused Shri Mallah Venkata Ramana Murti and Rs.20,00,000/- cash was given to co-accused Kamalludin Khan..”

4. The petitioner's counsel submits that petitioner is not even named in the FIR and he has been falsely implicated in the present case. He further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel as well as counsel for the complainant oppose bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That it is further submitted that the allegations against the present petitioner are that he in collusion with co-accused Rakesh Mishra committed fraud with the complainant's father and conned Rs.10,45,00,000/- from him. In his disclosure statement, present petitioner

> *has revealed that co-accused Rakesh Mishra introduced him with father of complainant's i.e. Surender Malik and he also told the deceased Surender Malik that he had good connection in the Government that they would get him appointed as Governor of Andaman and Nicobar. The present petitioner has also got recovered Rs.43,00,000/- (Forty Three Lacs) cash and BMW car. It is further submitted that in assurance present petitioner had given two cheques worth Rs. 2.5 Crore each and one cheque of Rs.2 Crore to the accused Rakesh Mishra."*

REASONING:

7. Allegations against the petitioner are that he in connivance with Rakesh Mishra cheated the father of the complainant for a massive amount with a lure to get him appointed as governor of Andaman and Nicobar. BMW Car and amount have already been recovered from the petitioner.

8. 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. Per paragraph 6 of the bail petition, the petitioner has been in custody since 09.11.2024 and accordingly his custody in this FIR is more than 04 months. 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 for further pre-trial incarceration at this stage.

9. 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.

10. 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.

11. 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)	

12. 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.

13. 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.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. 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.

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

(ANOOP CHITKARA)
JUDGE

27.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.