

2025:PHHC:176516



147 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34358-2024
Date of Decision: 19.12.2025

Naresh Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Simran Kaur Bhatti, Advocate, for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, an accused in case FIR No.229 dated 01.08.2023 registered against him, under Sections 409/420/467/468/471/120-B IPC, at Police Station City Ratia, District Fatehabad, has filed the present petition for grant of bail under Section 439 Cr.P.C.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

“Sh. Lakhwinder Singh-complainant, set the criminal law in motion by filing a complaint requesting therein to initiate the appropriate criminal proceedings against the following persons:-

- i. Yash Narang, Bank Manager, HDFC Bank Branch Ratia;
- ii. Ankush Bhatia, Bank official;
- iii. Shaili wife of Ankush Bhatia;
- iv. Jashandeep Singh;
- v. Khan Chand,
- vi. Rakesh

Complainant alleged that all the aforementioned persons fraudulently withdrew amount of Rs.2 crores from his saving account No.50100487889333, HDFC Bank, Ratia Branch by

appending his fake signatures. Complainant further alleged that he is permanent resident of village Kunal, Tehsil Ratia, District Fatehabad and is an agriculturist by profession. He had visited Italy in connection with business affairs and had deposited money in his aforesaid account for purchasing land in near future. When he finalized the deal, he visited the bank to withdraw the money, when he came to know that a massive fraud has been played upon him by some unknown persons in conspiracy with the officers of the HDFC bank, who had been withdrawing money from his account on different dates. In the complaint details of those transactions were given. Complainant specifically pointed out that most of these transactions are in the name of co-accused Shaili, whose husband Ankush Bhatia is a bank employee. He (c) never transferred money in the account of Shaili or the present petitioner nor did he sign any voucher or cheque. Immediately when he came to know of this fraud, he brought the entire facts to the notice of Branch Manager, Yash Narang, who initially assured full cooperation and as also to return the money fraudulently withdrawn from his (c) account. Complainant sought certain information from the bank officials, who did not take any action for the next 2-3 days. Since he had to visit Italy, he executed a Power of Attorney in favour of his cousin brother, Kuldeep Singh. His wife accompanied by Kuldeep Singh visited the bank when the Branch Manager, Yash Narang refused to cooperate. Seeing this apathetic attitude of the Bank officials, he immediately cut short his visit and returned back to India. Complainant also pointed out that on 29.04.2023, his FD of Rs.31,01,678.62/- was encashed and the amount was transferred in his account. Voucher in this regard was prepared by Ankush Bhatia, who mentioned that the account holder had put his signatures on the said voucher in his (Ankush Bhatia) presence whereas on the said day i.e. 29.04.2023 he was not present in India. Copy of the passport was also enclosed by the complainant. It also came to the notice of complainant that in his absence, accused persons had got issued cheque book in his name without his knowledge and had

thereafter misused the same by forging his signatures. It is further the plea of the complainant that he had never got the relevant cheque book issued from the bank. Primarily with this backdrop, he (C) alleged that fraudulent act on the part of all the accused persons has caused immense financial, emotional and physical trauma to him.

On the basis of the said complaint, criminal case vide FIR No.229 dated 01.08.2023, u/s 409/420/467/468/471/120-B IPC, was initially registered against Ankush Bhatia and Naresh Kumar (petitioner). During investigation, the relevant record of the bank were obtained. On 20.11.2023, co-accused Ankush Bhatia was arrested, who during interrogation admitted to his involvement in the commission of offence and also highlighted the role of the present petitioner Naresh Kumar, who was working in Ratia Branch of HDFC Bank as BSO. According to Ankush, petitioner used to append fake signatures of Lakwinder Singh on cheque books, voucher etc., thus facilitating transfer of funds.

On 08.01.2024, present petitioner was arrested who during interrogation endorsed the stand of co-accused Ankush. Specimen signatures of complainant and both the accused were obtained and were sent to FSL to match with their admitted signatures. Bank accounts of the suspected victims were also seized. The details of the accounts wherein the money was deposited, was also collected.

On culmination of the investigation qua the aforementioned two accused (including petitioner), challan was filed. Both the accused have been charge-sheeted. During the course of the trial, an application u/s 173(8) Cr.PC was moved by complainant for further investigating the matter.

3. Petitioner-accused, who was arrested on 08.01.2024 filed an application for grant of bail before the learned Additional Sessions Judge, Fatehabad. The same was dismissed vide order dated 15.04.2024. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. In fact, co-accused Ankush Bhatia, who at the relevant time was posted as Deputy Manager in Ratia Branch of the HDFC Bank illegally transferred the money not only from the account of the complainant but from the accounts of various other account holders, in the account of his wife. Ankush was addicted to 'on-line' gambling and needed huge money for the same, as he had suffered loss of about Rs.3,17,25,000/-. Petitioner was compelled to follow the command of the senior officer, who was the main beneficiary of the entire incident. The fact that nothing was recovered at the instance of petitioner, further proves his innocence.

The next leg of submission raised by learned counsel for the petitioner is that investigation qua petitioner was completed long ago on filing of challan, charges were framed against him and co-accused Ankush. Thereafter, 03 prosecution witnesses out of 23 have already been examined even then likelihood of completion of the trial (offences being all magisterial triable) in the near future is quite remote, as an application u/s 173(8) Cr.PC filed by the complainant is still pending. When appreciated in the light of submissions advanced hereinabove, learned counsel contends that petitioner, who has been in custody since 08.01.2024, deserves a lenient view to be taken in his favour, his further incarceration would not serve any useful purpose as the same would be violative of the fundamental rights guaranteed under Article 21 of the Constitution of India. Prayer for allowing the petition has been made.

5. *Per contra*, learned State counsel while opposing the request for grant of the bail, has drawn attention of the Court to the status reports dated 06.09.2024 and 01.02.2025 filed by Mr. Sanjay Kumar, HPS, DSP, Ratia, District Fatehabad and Ms. Astha Modi, IPS, Superintendent of Police,

Fatehabad, respectively, wherein apart from mentioning the factual backdrop of the case leading to the lodging of FIR, the *modus operandi* in which the offence was committed has also been highlighted. Role played by the petitioner has also been elaborated upon, who as per prosecution in conspiracy with the other accused-Ankush Bhatia withdrew huge amount from the saving account of the complainant by forging his(c) signatures on vouchers, cheque etc. Surprisingly enough, it also came to the notice of the Investigating Officer that on 29.04.2023, F.D. of the complainant amounting to Rs.31 lakh was encashed and the amount was transferred in account of wife of Ankush Bhatia. Petitioner had forged signatures of complainant. At that point in time, complainant was not present in India. In the light of seriousness of allegations dismissal of petition has been prayed for. On a pointed query raised by this Court, learned State counsel admits that HDFC Bank has returned the entire amount to the **complainant**.

6. I have heard learned counsel for the petitioner and learned State counsel and perused the documents on record.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "***Gurbaksh Singh Sibbia V. State of Punjab***",((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was

observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right.”

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the

detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end."

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail."

Hon'ble Supreme Court in "***Mahipal Vs. Rajesh Kumar @ Polia and another***",(2020(2) SCC 118) held as under:-

*"11. The power to grant bail under Section 439 is of a wide amplitude. But it is well settled that though the grant of bail involves the exercise of the discretionary power of the court, it has to be exercised in a judicious manner and not as a matter of course. In **Ram Govind Upadhyay v. Sudarshan Singh, (2002) 3 SCC 598**, Justice Umesh Banerjee, speaking for a two judge Bench of this Court, laid down the factors that must guide the exercise of the power to grant bail in the following terms:*

"3. Grant of bail though being a discretionary order - but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case .The nature of the offence is one of the basic considerations for the grant of bail - more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.

4. Apart from the above, certain other which may be attributed to be relevant considerations may also be noticed at this juncture, though however, the same are only illustrative and not exhaustive, neither there can be any. The considerations being:

(a) While granting bail the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails a conviction and the nature of evidence in support of the

accusations.

(b) Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the court in the matter of grant of bail.

(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the court in support of the charge.

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail, and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."

12. The determination of whether a case is fit for the grant of bail involves the balancing of numerous factors, among which the nature of the offence, the severity of the punishment and a prima facie view of the involvement of the accused are important. No straight jacket formula exists for courts to assess an application for the grant or rejection of bail. At the stage of assessing whether a case is fit for the grant of bail, the court is not required to enter into a detailed analysis of the evidence on record to establish beyond reasonable doubt the commission of the crime by the accused. That is a matter for trial. However, the Court is required to examine whether there is a prima facie or reasonable ground to believe that the accused had committed the offence and on a balance of the considerations involved, the continued custody of the accused sub-serves the purpose of the criminal justice system. Where bail has been granted by a lower court, an appellate court must be slow to interfere and ought to be guided by the principles set out for the exercise of the power to set aside bail.

In Maulana Mohd. Amir Rashadi Vs. State of U.P. and another,

2012(1) RCR (Criminal) 586, Hon'ble Supreme Court upheld the order of the

High Court in granting bail to the second respondent/accused on the ground

that he had been in custody for a long period and the possibility of the trial being concluded in the near future was remote.

Factual aspects of the case have already been noted in para 2 of this order. In the status report, the role played by the petitioner has been highlighted. In view of the submissions advanced by learned counsel for the petitioner and the fact that HDFC Bank has deposited the entire amount in the account of the complainant, as also that investigations qua accused-petitioner are complete and completion of trial is likely to take some time, petitioner, who has been in custody since 08.01.2024, deserves a lenient view to be taken in his favour by granting him the concession of bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate/Chief Judicial Magistrate concerned. The petitioner shall also abide by the following conditions:-

- (i) *The petitioner will surrender his passport and will not leave the country without prior permission of the trial Court.*
- (ii) *The petitioner will not tamper with the evidence during the trial.*
- (iii) *The petitioner will not pressurize/intimidate the prosecution witnesses.*
- (iv) *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) *The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) *The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) *The petitioner shall not in any manner misuse his liberty.*
- (viii) *The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) *The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

It is made abundantly clear that in case there is any breach of the

aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

Accordingly, present petition is allowed.

19.12.2025
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No