2025:PHHC:093549

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38853-2025
DECIDED ON: 28.07.2025

DEVANSHU GAURAV

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Akshat Bajpai, Advocate
for the petitioner (through Hybrid Mode) and
Mr. Aarjav Jain, Advocate for the petitioner.
Ms. Mayuri Lakhanpal Kalia, DAG Haryana

<u>SANDEEP MOUDGIL, J (ORAL)</u>

1. <u>Prayer</u>

The jurisdiction of this Court has been invoked under Section 483 BNSS, 2023 seeking regular bail to the petitioner in case FIR No.253 dated 27.10.2023, under Sections 420, 467, 468, 471, 120-B of IPC, 1860, registered at Police Station Sushant Lok, District Gurgaon.

2. Brief facts of the case reads as under:-

"To, The Commissionerate of Police, F-244UM, Shanti Nagar Shivaji Nagar Sector-11 Gurgaon-122018 Sub: Complaint against accused persons for commission of various offences such as cheating, forgery, cheating by impersonation, making false documents, using forged documents as genuine, etc. under Indian Penal Code as well as penal provisions of other laws applicable in India. Respected Sir, That I, Sourabh Abrol, am working as Manager - Financial Crime Investigations and the authorized representative of The Hong Kong and Shanghai Banking Corporation Limited, India, a banking

Company incorporated under the Companies Ordinance of the Hongkong Special Administrative Region (HKSAR), having its registered office at 1, Queen's Road Central, Hongkong, having its India Corporate Office at 52/60, Mahatma Gandhi Road, Fort, Mumbai 400 001 and a branch office located at JMD Regent Square DLF Phase II, Gurgaon- Mehrauli Road, Gurgaon-122001 (hereinafter, "the Bank"). The Bank is engaged in conducting banking business in India under the aegis of Reserve Bank of India. We are requesting you to kindly register an FIR against the unknown persons for misappropriation of money, criminal breach of trust, cheating, forgery, and fraud, offences have been committed by these persons in conspiracy with each other and in a planned manner to defraud HSBC by an amount of Rs. 2, 08,87,798 (Two Crores Eight Lakhs Eighty-Seven Thousand Seven Hundred and Ninety Eight) as on 20 July 2023. The cases were identified during regular collection follow ups where the customers were not contactable. It was noted that these suspects had projected employment with Samsung India Electronics Private Limited (Samsung India) and were receiving salary in their HSBC savings account from an account 510101007235670 named as "Samsung Salary Payment" held in Union Bank of India (UBI). It is suspected that this UBI account does not pertain to Samsung India and has been created to mislead the bank into believing that the suspects are employed with Samsung India. During account transactions review, it was noticed that post salary credits, the entire amount used to be immediately withdrawn through ATM by these suspected individuals. An internal review of records revealed that these suspects have opened 38 savings accounts with HSBC India. Post opening the savings accounts and basis their existing relationship, these suspects managed to avail 28 credit cards and 3 personal loans from the bank between December 2022 to June 2023. An individual namely "Sachin Kathuria (Sachin)" posing as Head of Human Resources at Samsung India Electronics Private Limited, Two Horizon Centre, 20th Floor, Sector 43 Gurgaon, had approached 2 bank staff - lamrul Haque and Hardik Rana *(designated as Assistant Manager Corporate Employee Banker inPlot No 68, Sector 44, Gurgaon) on different occasions, to open savings account of various individuals who as per Sachin had recently joined the aforesaid company. Qamrul Haque and Hardik Rana are the bank officials, and their prime responsibility is to meet the customer face to face and sight the original KYC documents of the customer! who apply for banking products from the Bank. They claimed having visited previously mentioned office address in Gurgaon and met with the 38 individuals face to face and sighted their original KYC documents, to open their saving accounts and obtained self attested photocopies of their KYC documents. On further review, several irregularities were noticed in the accounts and all the account holders were non-contactable. During visit to the residence address, available in bank records, the addresses were found to be untraceable. Adding to the shock and surprise of the Bank, while reviewing the photographs of account holders, it was noted that 8 individuals have prepared falsified KYC documents with dual/ multiple names and have managed to open 17 savings accounts. Details (count) of respective savings account, credit cards and personal loans, sourced by respective staff are hereunder: Bank Official Name Savings Account Credit Cards Personal Loan lamrul Hague 20 16 2 Hardik Rana 12 9 1 Rahul Kasaudhan 2 2 - It seems apparent that accused persons including but not limited to previously mentioned individuals, in pursuance of pre-meditated criminal conspiracy with other unknown accused persons, used to prepare falsified KYC documents under the pretext of arranging credit facilities and loans for their personal needs. These falsified documents were then passed to bank officials, to open savings accounts and gain financial benefits. Both Master and VISA credit cards were issued to the suspected fraudsters by the bank. The credit limit in credit cards and loan amount in personal loans were sanctioned based on their income credited in respective savings accounts, assuming employment with Samsung India. This complaint is being filed by the Bank against Sachin and unknown accused*

persons for commission of various offences under Indian Penal Code and other relevant statutes. The accused persons entered into a criminal conspiracy in order to illegally obtain and misappropriate amounts in excess of Rs. 2, 08,87,798 (Two Crores Eight Lakhs Eighty-Seven Thousand Seven Hundred and Ninety-Eight) by causing wrongful losses to the Bank while illicitly enriching themselves in the process. It is suspected that the accused persons may have similarly attained illegal monies from other banking financial institutions, thereby causing huge loss to these institutions as well as negatively impacting the entire industry and economy as such. In wake of the same, it is critical as well as vital that a thorough investigation is conducted by your good office to apprehend the accused persons and punish them appropriately under the prevailing penal laws. The Bank shall be duty bound to assist you in the course of your investigation as and when directed to do so. For The Hongkong and Shanghai Banking Corporation Limited, India sd/-

2. Contentions:

On behalf of the petitioner

Learned counsel for the petitioner submits that initially the petitioner was not named in the FIR, but later on his his name came only in the supplementary charge-sheet, which was filed in 2021. He further submits that similarly situated co-accused Nishant Kumar Saxena has already been granted the concession of regular bail vide order dated 03.02.2025 passed in CRM-M-4344-2025 (Annexure P-4). He argued that investigation in the matter is complete, challan stands presented to the Court and nothing is to be recovered from the petitioner.

On behalf of the State

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner has undergone 3 months and 4 days.

Learned State counsel opposes the grant of regular bail and prays for dismissal of the present petition on the ground that the petitioner has fraudulently encashed a substantial amount of Rs. 2,37,000/- by misusing credit cards issued in the names of various individuals. It is further submitted that there is CCTV footage available on record which clearly establishes the petitioner's involvement in the act of en-cashment. Learned counsel also contends that the petitioner is not similarly placed as the co-accused, who has undergone incarceration for 8 months and 1 day, whereas the petitioner has been in custody for only 3 months and 4 days, and as such, cannot claim parity at this stage.

4. **Analysis & Conclusion**

It is the specific case of the prosecution that a fraud amounting to approximately Rs. 2,08,87,798/- has been committed, wherein one Sachin Kathuria @ Raj Lohiya is alleged to be the mastermind. As many as 28 credit cards and three personal loans were obtained on the false pretext of opening bank accounts with HSBC Bank, by impersonating individuals as employees of Samsung India Electronics Pvt. Ltd. The said accounts were opened using forged documents and false representations.

During the course of investigation, it has emerged that the present petitioner played a significant and active role in the said conspiracy. Specifically, it is alleged that the petitioner procured three SIM cards each from Bharti Airtel and VI, by using forged identity documents, and furnished these numbers for activation and functioning of the fraudulently opened accounts. The Customer Application Forms (CAF) pertaining to these SIM cards were collected by the Investigating Officer, and notably, the photograph of the present applicant appears on these forms, further indicating his direct involvement.

The petitioner is also alleged to have remained in active contact with co-accused Raj Lohiya, and to have conducted transactions from his Axis Bank account with an account in HDFC Bank, which was itself fraudulently opened by Raj Lohiya using fabricated documents. Additionally, the petitioner is specifically linked to a transaction wherein he swiped a credit card and received Rs. 2,36,000/- in his Axis Bank account. He subsequently withdrew the said cash, and the CCTV footage substantiating this act was duly collected during investigation.

Furthermore, the petitioner is not similarly situated with co-accused Nishant, as the petitioner has been in custody for a period of only 3 months and 4 days, whereas the co-accused has suffered incarceration for 8 months and 1 day. In addition, it is relevant to note that the charge-sheet (challan) has only recently been filed on 15.05.2025, and the matter is still at the pre-charge stage, with charges yet to be framed.

In view of the foregoing circumstances, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail at this stage. Accordingly, the present regular bail petition stands dismissed being devoid of merit.

(SANDEEP MOUDGIL)
JUDGE

28.07.2025
Meenu

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