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

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**CRM-M No.42794 of 2024
Date of Decision: 28.01.2025**

Asif Ali ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Rohit Kumar, Advocate,
for the complainant.

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MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
318	16.07.2023	DLF Sector 29 (as per order dated 17.08.2024) and DLF (as per vernacular of the FIR), District Gurugram	120B, 342, 384 and 420 read with 34 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR had been registered on the basis of written complaint lodged by the complainant Nitin Wadhwa alleging

therein that on 29.05.2023, he had visited Gurugram for some official purpose. Since he was looking for hiring some property for his new assignment at Gurugram, therefore, he had made online search for some property dealer and received a call on his Whatsapp cell phone number. The caller while introducing him as a dealer and offering that he could show him some properties, called him to meet at MG Road Metro Station. On being convinced by him, the complainant had agreed and had reached at the informed place. The said dealer took him to some place wherein he made the complainant sniff something as a result of which he lost his consciousness. On regaining the same, he found himself in a vacant flat with torn clothing. The accused Satwinder who projected himself as a dealer and co-accused Shivam were present there but while disclosing that they had prepared his video in objectionable condition with the accused Satwinder and by extending threat to make that video viral on social media platform told him to part with a sum of Rs.20 lakhs. He was extended threats and was made to initially gave a sum of Rs.2 lakhs to them and thereafter an amount of Rs.1.8 lakhs was got transferred from his bank account. It was only thereafter that he was released by the above named accused. After registration of FIR, investigation proceedings were initiated. It was revealed that the bank account in which the money was got transferred by the complainant, belonged to the accused Sikander. The accused Sikander was arrested on 24.02.2024. On interrogation, he suffered disclosure statement to the effect that on being induced by accused Kanwarpal and on account of greed of money, he had opened a bank account in Axis Bank and had handed over the cheque book, ATM, Password and details of phone number registered in the said bank account to the co-accused Kanwarpal in lieu of a sum of Rs.30,000/-.

3. As per the further allegations, the accused Kanwarpal was arrested on 03.04.2024 and suffered disclosure statement to the effect that on being induced by the petitioner who was working in Yes Bank, Baghpat Branch, to make arrangement for opening some bank account and providing the details thereof to him and by offering a sum of Rs.50,000/-, he had joined accused Sikander in conspiracy hatched with the petitioner and then the petitioner had got opened an account in the name of accused Sikander at Axis Bank, Baraut Branch. The bank kit containing ATM card, cheques signed by the accused Sikander and details of his phone number registered with the bank had been given to the petitioner and a sum of Rs.50,000/- had been obtained by the accused Kanwarpal in lieu thereof. On the basis of his disclosure, the present petitioner was nominated as accused. He was arrested on 30.07.2024. He too suffered a disclosure statement and got recovered two cheques signed by the accused Sikander and pertaining to the above mentioned bank account. Investigation has since been completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of one month and fifteen days in reporting the matter to the police which has not been explained. The petitioner is a highly qualified person and is serving as an employee of Yes Bank. A false recovery of cheques has been planted upon him as those cheques do not belong to the Bank wherein he has been working. He does

not have criminal antecedents. The subject offences are triable by Magistrate. The trial is likely to take time. His further detention is not going to serve any useful purpose. The co-accused Kanwarpal has since been extended benefit of bail. Hence, it is urged that he deserves to be released on bail.

5. Status report has already been filed by the respondent-State. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner who hatched a conspiracy with the co-accused and in pursuance of that conspiracy, he took the co-accused Sikander and Kanwarpal to Axis Bank, Baraut Branch wherein account in the name of the co-accused Sikander got opened by him. The ATM Cards, cheque books duly signed by the co-accused Sikander and sim card of his phone number registered with the Bank, had been given to the present petitioner who in connivance with the co-accused used that account for the purpose of depositing money obtained by committing fraud by the co-accused and withdrawing and using the same. The allegations against him are grave in nature. There are chances of his committing similar offences or absconding if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

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

7. The allegations against the petitioner are that he hatched a conspiracy with the co-accused and in pursuance thereof, he made the accused Sikander open account in Axis Bank, Baraut Branch. The cheque

book and ATM Card etc. of that account was allegedly kept by the petitioner with himself in lieu of money given to accused Kanwarpal and that very bank account is alleged to have been used for the purpose of transfer of such money extorted from the complainant by the co-accused as well as the petitioner. The allegations against the petitioner are quite serious in nature. His case cannot be stated to be at parity with the case of the co-accused Sikander or Kanwarpal who have been extended benefit of bail. He is a qualified person and appears to be mastermind of the crime. Being a bank employee himself, he is alleged to have used his knowledge about the procedure of the bank for committing the subject offences and has connived with the co-accused for the purpose of committing offences of cheating and extortion by the co-accused. His active participation in commission of subject offence is prima facie made out. The allegations against him are serious in nature. In view of the above discussed facts, I am of the considered opinion that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

28.01.2025
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No