

2025:PHHC:073011



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

CRM M-43419 of 2024 (O&M)

Date of Decision: 26.05.2025

Gaurav Kumar

...Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Tanu Bedi, Advocate, for the petitioner.

Mr. Manish Bansal, PP, U.T., Chandigarh with
Mr. Navjit Singh, Advocate.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita with a prayer to grant regular bail to him in case FIR No.316 dated 20.10.2017 registered under Sections 420, 120-B, 467, 468 and 471 of IPC at Police Station Sector 11, Chandigarh.

2. The FIR in the present case has been registered on the basis of the complaint submitted by Ram Kumar son of Krishan Lal. In fact, on 13.12.2016, he had received an e-mail, asking him to deposit the amount of Rs. 75,000/-, which was pending against him

and was required to be cleared from the Integrated Grievance Management System. He deposited the amount on 14.12.2016, however, on the same day, he received a call from an unknown caller, who instructed him that he is required to pay more amount in the income declaration charges of Government of India and the payment was made by the complainant through NEFT. He was asked to pay further amount as declaration charges and the complainant made the payment of the same as well. He was directed from time to time to deposit different sums of money by unknown callers and even he was threatened that one of his family member would be kidnapped. Due to threatening/calls received by the complainant, he was forced to deposit a sum of Rs.1,62,96,903/- and out of his savings and retirement funds, in the accounts conveyed to him. It was discovered during investigation that account numbers 50200020530022 and 50100159502673, which were used in the scam belonged to the petitioner. It was also found that the petitioner has already been arrested in some other case and after obtaining his production warrants, he was associated in the investigation of the present case. During interrogation, he is stated to have admitted his involvement in the present case.

3. Learned counsel for the petitioner has vehemently argued that as per the story of the prosecution, the petitioner had impersonated as Akhilesh Yadav and Rajender Singh whereas during

the course of investigation, no evidence was found to show the said fabrication of documents. Even, the amount was transferred by the complainant and two other persons in various accounts and the petitioner had no concern with the said accounts. By referring to the order dated 26.02.2024 (Annexure P-2) passed by the Court of Judicial Magistrate First Class, Chandigarh, learned counsel submits that the complainant Ram Kumar had appeared at the hearing of the appeal on 23.02.2024 and stated that he had received the amount of Rs.6.15 lakhs from the petitioner and he had no objection in case the concession of bail is granted to the petitioner. The petitioner was arrested in the present case on 18.01.2024 and is in custody since then. Further, after completion of investigation, the challan has already been presented against the petitioner and he is no longer required by the police.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is involved in two more cases. Still further, the complainant and his accomplices are accused of serious online fraud in the present case and they had cheated the complainant to the tune of Rs.1.63 crores approximately.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner was arrested on 18.01.2024 and is continuing in custody since then. After completion of investigation, challan has already been presented against him. Moreover, in the present case, Ram Kumar complainant has already suffered a statement in favour of the complainant to the effect that the matter has been amicably resolved between them. Moreover, the offence is triable by the Court of Magistrate and the custody of the petitioner will not serve any meaningful purpose.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

8. During the course of hearing, on different dates, this Court had directed the SSP, U.T., Chandigarh to submit a list of all the cases where the investigation is pending for the last more than 03 years. On 4th March, 2025, learned State counsel submitted that the investigation in 199 FIRs is pending for the last more than 03 years and shall be conducted expeditiously. Later, on 24.04.2025, learned State counsel again made a statement that the investigation in 148 cases was pending for the last more than 03 years and in the remaining FIR's, the investigation has been concluded. Even today, learned State counsel has assured the Court that the investigation in

all cases, which are pending for the last more than 03 years, shall be conducted expeditiously and the final report of investigation shall be presented before the competent Court of law in all such cases.

9. In view of the statement made by the learned State counsel, no further orders are required to be passed.

10. All pending applications, if any, are disposed off, accordingly.

26.05.2025	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No