IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

218 ***CRM-M-53352-2025***
Date of decision: 22.12.2025

Abhinav Kumar @Ranjeet Singh

......Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. KDS Hooda, Advocate for the petitioner.
Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J (ORAL)

1. **Relief Sought**

The jurisdiction of this Court under Section 483 of BNSS, 2023., has been invoked 2nd time by the petitioner for the grant of regular bail to him in a case bearing FIR No. 253, dated 27.10.2023, under Sections 120- B, 420, 467, 468 and 471 IPC (Sections 419,204,120-B IPC added later on), registered at Police Station Sushant Lok, District Gurugram.

2. **Facts**

Prosecution story set up in the present case as per the version in the FIR read 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, Gurgaon122001 (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 Hague and Hardik Rana (designated as Assistant Manager Corporate Employee Banker in Plot 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. @amrul 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 noncontactable. 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 Qamrul Hague 20 16 2 Hardik Rana 12 9 1 Rahul Kasaudhan 2 2 - Chetanya Kumar 4 1 - 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 Bight Lakhs Eighty-Seven Thousand Seven Hundred and Ninety-Bight) 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 The Hongkong and Shanghai SO. For Banking Corporation Limited, India sd/- Sourabh Abrol Manager, Financial Crime Investigations Mobile 9999107606"*

Petitioner-accused was arrested on 18.04.2025, who during interrogation disclosed that he had been running a 'Common Service Center' in Delhi and had provided his mobile No.9650922927 and E-mail ID PANPRINT2018@gamil.com for preparing 26 PAN Cards. He further disclosed that in March 2019, one Santosh Pandit had approached him to prepare PAN Card and had also disclosed that relevant persons would not be able to appear before him (P) personally as they were not well. Totally relying on the statement of co-accused Santosh Pandit, he (petitioner) prepared the PAN Cards.

During the course of investigations, as has been noticed hereinabove all these PAN Cards were found to be fake.

Petitioner filed an application for grant of bail U/s 483 BNSS. The same came to be dismissed by the learned Addl. Sessions Judge, Gurugram vide order dated 20.05.2025. Aggrieved of which, the present petition has been filed.

3. **<u>Contentions</u>**

<u>On behalf of the petitioner</u>

Learned counsel for the petitioner contends that the petitioner, who is authorized vendor of Steel City Company and to whom the Government had outsourced the process of issuing PAN Cards has been falsely implicated. He is operating in an area where majority of persons are labourers, who approach him for helping them in opening a Bank account, for which a PAN Card is necessary. Since these poor illiterate persons are not computer *savvy,* nor do they have their E-mail addresses, petitioner used to provide/give his own mobile number and E-mail address, while issuing PAN Cards. It is further the submission of learned counsel that the petitioner had no source or authority to check the authenticity of the documents given by the customers, as and whether they were forged etc.

The role of the petitioner, as per learned counsel, was limited to submit the self-attested documents to the Company through online process and thereafter send original signed copy to the Company. Petitioner is not in any which way related to the main accused Raj Lohiya @ Raju @ Sachin Kathuria, who is the master mind of the entire offence. It is further submission of learned counsel that the investigation in the present case are complete, for, challan has been filed. Offences in question being magisterial triable, the completion of trial is likely to take some time. In the light of the role of the petitioner, who is neither the beneficiary of the fraud nor is he connected/associated with the main accused, it has been prayed to take lenient view in his favour as his further incarceration would not serve any useful purpose.

Notice of motion.

<u>On behalf of the State</u>

Status report filed by way of affidavit of Amit Bhatia, ACP, East, Gurugram has been taken on record.

While opposing the petition, learned State counsel, at the outset, has drawn the attention of the Court to para 32 of the status report wherein the role of the petitioner has been highlighted, who as per the investigating agency, aided the commission of the offence by preparing as many as 26 forged PAN Cards, in which his mobile number was mentioned. It is further the submission of learned State counsel that the plea taken by petitioner that he blindly relied upon Santosh Pandit and acted on his dictates seems to be a last minute effort on his (P) part to wriggle out of the embarrasing position in which he is placed. Further, as per learned State counsel if these forged PAN Cards had not been prepared, the fraud could not have been committed. Petitioner aided co-accused Raj Lohiya @ Raju @ Sachin Kathuria and helped him procure 26 PAN Cards and thus played an important role in the entire incident.

On a query raised by this Court, learned State counsel fairly admits that co-accused Nishant Kumar Saxena, who is one of the beneficiaries, was extended the concession of bail by the Coordinate Bench of this Court in CRM-M-4344-2025, vide order dated 03.02.2025.

4. **<u>Analysis</u>**

In the light of the submission advanced by learned counsel for the petitioner but without further adverting to the merits of the case, lenient view is taken in favour of the petitioner whose past antecedents are quite clean by extending him the concession of bail, as the likelihood of completion of trial in near future is very remote and his further detention for an indefinite period would not serve any purpose and as per the principle of the criminal jurisprudence, no one should be considered guilty, till the guilt is proved beyond reasonable doubt.

Reliance can be placed upon the judgment of the Apex Court rendered in **"Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131**, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception.

Therefore, to elucidate further, this Court is conscious of the fundamental law that right to speedy trial is a part of reasonable, fair and just procedure guaranteed under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in **"Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna", (1980) 1 SCC 98**. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

5. **Decision:**

In view of the aforesaid discussions, considering that since the withdrawal of the first petition from this Court on 03.07.2025, trial has not proceeded further, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

(i) The petitioner will not tamper with the evidence during the trial.
(ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
(iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
(iv) 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.
(v) 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.
(vi) The petitioner shall not in any manner misuse his liberty.
(vii) 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.

(viii) The petitioner shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

6. Accordingly, the present petition is allowed and it is made 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.

22.12.2025 **(AARADHNA SAWHNEY)**
manoj **JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No