226 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20056-2026
Date of Decision: 05.05.2026

Raj Kumar

..... Petitioner

Versus

U.T., Chandigarh ....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kshitiz Goel, Advocate,
Mr. Vinit Jain, Advocate and
Mr. Himanshu Sharma, Advocate,
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, UT Chandigarh.

SANJAY VASHISTH, J. (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of petitioner	FIR No.	Date	Section(s)	Police Station	District
Raj Kumar	11	03.04.2025	318(4), 336(3), 338, 339, 340(2), 61(2) (238, 111, 316(4) of BNS, 2023 later on added)	EOW	Chandigarh

2. The present FIR was registered at the instance of complainant Gurwinder Singh (SDM), Kharar who stated that they had maintained a joint bank account in IndusInd Bank, Sector 8, Chandigarh with National

Highway Authority of India (NHAI). The account is a joint account of Project Director, National Highway Authority of India and Kala-cum-SDM, Kharar. The NHAI office informed their office about the fraud of Rs. 9,11,82,411/- committed by Indusind Bank. Further, the complainant mentioned that the amount cheated was for the farmers whose area has been acquired for the Kharar-Kurali Project (National highway). The entire amount is deposited in NHAI of India in the said bank account. The account is maintained in Indusind Bank Branch SCO No. 53-54 Sector-8, Madhya Marg. Chandigarh. The payment of acquisition of land in the account is to be done by SDM office, Kharar through IndusInd Bank Branch, Village Daun (Kharar) to the land owners. Further, it came to light that amount of Rs 4,54,84,800 and Rs 4,56,96,600/- have been fraudulently withdrawn vide cheque No.545219 dated 28.08.2024 and cheque No. 545218 dated 29.08.2024, respectively from IndusInd Bank, Rudrapur branch but according to the office records, the cheque book has been issued by IndusIind to the office and the above said cheque numbers are actually present in the office in its original cheque book. Thereafter, a preliminary inquiry was initiated and the account statement of the account No. 20100143123 was obtained. It was found that two cheques of IndusInd bank were submitted in Awas Vikas Branch of IndusInd Bank, Rudrapur with request of RTGS on 28/08.2025 and 29.08.2025 in SSRK logistics Pvt. Ltd. and Omkar Enterprises, respectively. Based on the aforesaid complaints and upon completion of a preliminary inquiry, the present FIR was registered against SSRK Logistics Pvt. Ltd. and Omkar Enterprises.

3. During investigation, it surfaced that total amount of Rs.4,54,85,800/- was fraudulently transferred on 28.08.2024 from Bank Account No. 20100143123 maintained with IndusInd Bank, Sector 8, Chandigarh, through five transactions into Account No. 40966451209 maintained with RBL Bank, Domlur Branch, Bengaluru, in the name of Gavidya Logistics Pvt. Ltd., operated by Kamal Gavdiya. Further investigation revealed that:

- Two transactions amounting to Rs. 1,82,49,600/-were transferred on 29.08.2024 from account No. 20100143123 maintained with IndusInd Bank, Sector-8 Chandigarh into Account No. 10169426136, maintained with IDFC First Bank, Mumbai.
- Two transactions amounting to Rs. 1,81,55,400/-were transferred on 29.08.2024 from 20100143123 maintained with IndusInd Bank, Sector-8 Chandigarh into Account No. 923020026638953, maintained with Axis Bank, Mumbai.
- One transaction amounting to Rs. 92,91,600/- was transferred from 20100143123 maintained with IndusInd Bank, Sector 8 Chandigarh into Account No. 409002188332, maintained with RBL Bank, Khar Branch, Mumbai.

The beneficiaries of the aforesaid accounts were found to be Omkar Enterprises and the defrauded amount was initially credited into accounts of SSRK Enterprises and Omkar Enterprises (first layer), after which the funds were further transferred to multiple accounts on the same dates, i.e., 28.08.2024 and 29.08.2024. During inquiry, it was found that the registered proprietors of the said firms are:

- Kamal Gavdiya S/o Ratan Chand Gavdiya, resident of Indra Colony, Barmer, Rajasthan; and
- Pawan Lal Regar S/o Gulshan, resident of Chang Chitar Road, Rathi Garden, Bewar, Rajasthan.

Their registered mobile numbers were found to be switched off, and both firms were found closed. The above said accused are absconding since the occurrence of the incident. Efforts are ongoing to trace and apprehend them.

4. Further investigation revealed that accused Lalit Kumar Mahandru @ Lali, in connivance with Devendra Singh and others, committed similar offences involving Government accounts of SDM/CALA Rudrapur UK and SDM/CALA Shamli, UP. In this regard, two additional cases were registered against them:

- FIR No. 232 dated 02.09.2024, under Sections 318(4), 336(3), 338, 339, 340(2), 61(2), 316(5), 238, 111 BNS at PS Transit Camp, Udham Singh Nagar (UK); and
- FIR No. 159 dated 03.09.2024, under Sections 318(4), 338, 340(2) BNS at PS Adarsh Mandi, Shamli (UP).

Records of the said cases were obtained from the concerned Investigating Officers. Based on the evidence collected, accused:

1. Devendra Singh S/o Hoshiyar Singh Kandari, aged 45 years, resident of B-69, Apna Ghar, Kundeshwari Road, Kashipur,

Udham Singh Nagar; and

2. Smt. Priyam Singh W/o Rajat Pratap Singh, resident of House No. 116/4, Avas Vikas;

Both were arrested on 03.09.2024 by Police Station Transit Camp, Udham Singh Nagar.

5. During investigation, including scrutiny of records, statements of witnesses, and CCTV footage of the bank premises and surrounding areas, it was established that:

- Devendra Singh, then Branch Manager, and
- Priyam Singh, Assistant Branch Manager,

of IndusInd Bank, Awas Vikas Branch, Rudrapur, failed to follow prescribed banking procedures and facilitated unauthorized transfers of Government funds to suspicious accounts in connivance with accused Lalit Kumar Mahandru @ Lali and Ram Kumar @ Chairman. However, no evidence was found against Priyam Singh regarding her involvement in the offence or conspiracy. Accordingly, her name was dropped from the case on 18.12.2024, and a report under Section 189 BNSS was submitted before the Hon'ble Court for her release.

Further, relevant bank records, including CCTV footage, account activity, forged cheque details, and particulars of concerned officials, were obtained from IndusInd Bank. Statements under Section 180 BNSS were recorded. CCTV analysis revealed that on 28.08.2024, accused Ram Kumar @ Chairman entered the bank wearing a white shirt, blue jeans, cap, and sunglasses, carrying a yellow envelope containing forged cheques and RTGS requests. He handed over the same to bank officials and immediately left. During this time, accused Lalit Kumar Mahandru @ Lali remained present in the cabin of Branch Manager Devendra Singh and facilitated the commission of the offence. A copy of the CCTV footage was put in the pen drive.

6. In regard to the role attributed to the petitioner-Raj Kumar, it is being argued that he was made accused in the present case with the allegations that in connivance with his co-accused, namely, Rahul prepared forged cheques by using a laptop and printer and thereupon received Rs.50,000/- as part payment for the same and was also promised a commission of amount of Rs.25 lakh. However, the laptop and printer since were destroyed by him, the incriminating articles could not be recovered from his possession.

7. As far as the evidence against petitioner-Raj Kumar is concerned, during investigation, he was involved as accused on the basis of disclosure statement of his co-accused Ram Kumar (Ram Kanwar @ Chairman). However, except the said disclosure statement, nothing substantial could be collected by the prosecution during investigation such as, deposit of any amount in his bank account, or any other incriminating article. It has already been detailed in the status report that the laptop and the printer which were used in preparing the forged cheques had since already been destroyed by petitioner-Raj Kumar, the same could not even be recovered at his instance. The petitioner is inside since 08.10.2025 and since his involvement in the present case is based upon the disclosure statement

of co-accused, its evidentairy value is yet to be assessed, including the active role, if any, in the present offence, therefore, in all eventuality, the conclusion of trial is likely to take considerable time, petitioner is, therefore, ordered to be released on bail.

8. In regard to the criminal antecedents, Mr. Manish Bansal, learned Public Prosecutor argues that there are four other criminal cases against the petitioner. However, this Court is of the view that unless the substantial evidence is highlighted against the petitioner in the present case, the persuasive force of the involvement of petitioner in other cases, for the purpose of dismissal of the present petition, could have been applied, however, once the involvement in the present case is only on the basis of disclosure statement, the evidentiary value of such statement is yet to be assessed, therefore, I do not find much force at this stage in the objection raised by learned Public Prosecutor.

9. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore,

trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.05.2026
SN

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No