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2026:DHC:2020



4. Broadly speaking, prosecution case as flowing out of FIR is as follows. In the month of August, 2015, one Amit Sharma (*not an accused in this case*) called up the complainant *de facto*, introducing himself as “*from Finance Ministry (Bombay)*” and informed that a refund of Rs.5,00,000/- had been received in the office and in order to obtain the same, the complainant *de facto* should deposit Rs.26,00,000/- in a bank account. Accordingly, the complainant *de facto* deposited Rs.26,00,000/- in that bank account but did not get the refund and rather Amit Sharma switched off his mobile phone. Thereafter, again in October, 2015 one D.D. Singh (*not an accused in this case*) called up the complainant *de facto* assuring to send the refund but demanded Rs.31,00,000/- and the complainant *de facto* deposited that amount also in the bank account of that person, but thereafter D.D. Singh also switched off his mobile phone. Again in the month of January, 2016, one Amit and one Mahajan (*not accused persons in this case*) called up the complainant *de facto* assuring to transfer the refund amount of Rs.5,00,000/- in his account and in lieu thereof, they made him deposit Rs.80,00,000/- in the bank account.

5. As against the above backdrop, learned counsel for accused/applicant contends that the version presented by the complainant *de facto* in the FIR is not even believable. It is submitted that the accused/applicant that he is in custody since 02.08.2024 despite being innocent.

6. Learned APP assisted by IO/SI Mohit opposes the bail application on the ground that the accused/applicant is involved in five more cases of similar nature and is also a recipient of approximately Rs.30,00,000/- from

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two of the co-accused persons.

7. In response, learned counsel for accused/applicant submits that the amount of Rs.30,00,000/- received from two persons was towards brokerage as the accused/applicant is working as a property dealer in Mohali. As regards the remaining cases, it is submitted by learned counsel that the accused/applicant was acquitted in three cases after full dress trial; in one case, the FIR was quashed; and one case is pending trial, in which he is already on bail.

8. Considering the overall circumstances described above, especially the strange claim of prosecution that to obtain refund of Rs.5,00,000/-, the complainant *de facto* spent more than Rs.80,00,000/-, I find no reason to further deprive the accused/applicant liberty. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

9. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

10. Of course, nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial.

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(JUDGE)

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