



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

313

CRM-M-53386-2024 (O&M)

Date of decision: 22nd January, 2025

Kiran

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Virender Soni, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 86 dated 20.02.2023 registered under Sections 406 and 420 of IPC at Police Station Sector 27, District Sonapat.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of a complaint lodged by the Assistant Manager of IndusInd Bank, Sector-15, Sonipat Branch alleging therein that the present petitioner along with the co-accused by using forged documents by affixing ID proofs of some persons had got released vehicle loans for four cars on different points of time in the months of October, 2022 from his bank. The entire amount of loan was disbursed by the bank to the dealers. The petitioner and co-accused had taken delivery of the cars from the respective dealers. However, on



making inquiries about the KYC, it was revealed that the documents of identification i.e. Aadhar Card, PAN card, salary slips, Form-16 and bank account statement were all forged. It was revealed that bank was duped of an amount of Rs. 31,90,000/- by the petitioner and the co-accused and also that two cars of Wagon-R make, which were got delivered by the accused from the respective dealers, had been recovered from the custody of co-accused Sonu during the course of conducting inquiry. Prayer was made for taking action in the matter.

3. As per the further allegations, the accused Surya Dev was arrested on 20.08.2023 and suffered disclosure statement admitting his involvement in the crime and also took the names of the petitioner and the co-accused. The present petitioner and co-accused could not be arrested. Challan was presented against the co-accused Surya Dev. The co-accused Rakesh Kumar was joined into investigation subsequently and was extended benefit of pre-arrest bail. Co-accused Sonu was arrested on 23.07.2024. The present petitioner was arrested on 01.08.2024. He suffered disclosure statement and while admitting the factum of his involvement in the crime, gave the details of the manner in which the forged documents were submitted before the complainant-bank and loan was procured. He got recovered one Swift Dzire make car bearing registration No. HR-12AR-5115. The co-accused Sonu s/o Ramdhan was also arrested subsequently and investigation against the accused stands concluded.

4. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 01.08.2024. His custodial interrogation is no



more required. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. The petitioner has no criminal antecedents. The co-accused Rakesh Kumar and Surya Dev have been extended benefit of bail. On parity, he too deserves to be released on bail. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Status report as well as custody certificate has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana that there are serious allegations against the petitioner. Therefore, it is urged that he does not deserve to be released on bail.

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

7. As per the allegations, the petitioner and co-accused hatched a conspiracy and in pursuance thereof, the accused Surya Dev by impersonating himself as one Pankaj Gupta, and by submitting false and fabricated documents of identity got loan for purchase of a car approved for complainant-Bank, whereas the remaining accused also secured loan for three more vehicles on the basis of forged documents. Investigation has been completed. Challan has been presented in the Court. Trial is likely to take time. The petitioner does not have any criminal antecedents. He is in custody since 01.08.2024. The co-accused Surya Dev and Rakesh Kumar have been extended benefit of anticipatory bail. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the above discussed facts but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the



same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

22nd January, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*