

CRM-M-62175-2024

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

CRM-M-62175-2024
Reserved on: 07.03.2025
Pronounced on: 25.03.2025

Kamaluddin Khan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. Vijay Pal, Advocate and
Mr. Akash Lather, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
514	22.08.2024	Hansi city, District Hisar	406 & 420 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 40 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report dated 30.01.2025 filed by the State, which reads as follows:

“2. That the brief facts of the case are that a complaint was received in the office of Superintendent of Police, Hansi for initiating action against Manbir Singh, Dalbir Singh, Venkata Ramana Murti and Kamaludin Khan (Present Petitioner) with the allegations of committing fraud with the father of the complainant. As per the allegations against the present petitioner that the present petitioner alongwith other accused duped the father of the complainant with an assurance that they would get him appointed as Governor of Andaman Nicobar Island. Under the garb of this assurance, they took Rs.10,45,00,000/- (Ten Crore Forty five Lacs) including Rs.8,45,00,000/- (Eight Crore Forty five Lacs) by bank

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transactions and Rs.2,00,00,000/- (Two Crore) in cash. After the fraud was detected, co-accused Manbir Singh returned Rs.10,00,000/- (Ten Lacs) to his father. In pursuance of the investigation of the case bank statements of concerned banks were collected by the investigating officer and found that the allegations to be true. It is further submitted that the allegations against the present petitioner namely Kamaludin are that in the month of February, 2021; complainant and his father were present in the house No. 830, Sector 17-A, Gurugram of their relative. Kamaluddin (Present petitioner) came and told them that he had a word with Manbir Singh and Venkata Ramana Murti and they would soon get him appointed as Deputy Governor of Andaman and Nicobar. He asked his father to give him Rs.20,00,000/- (Twenty Lacs) as a donation of his NGO. According to his request, his father Late Surender Malik transferred Rs.20,00,000/- (Twenty Lacs) in the Bank account of NGO, Umed Health Care Society. After few days, his father alongwith his cousin Mandeep went to the office of Kamaluddin (Present Petitioner) and paid Rs.20,00,000/- (Twenty Lacs) in cash. During the course of the investigation of the case Rs.20,00,000/- (Twenty Lacs) were found to be transferred from account No. 2011211130266604 of AU Small Finance Bank to present petitioner Kamaluddin's NGO's Umed Health Care Society. and Nicobar. He asked his father to give him Rs.20,00,000/- (Twenty Lacs) as a donation of his NGO. According to his request, his father Late Surender Malik transferred Rs.20,00,000/- (Twenty Lacs) in the Bank account of NGO, Umed Health Care Society. After few days, his father alongwith his cousin Mandeep went to the office of Kamaluddin (Present Petitioner) and paid Rs.20,00,000/- (Twenty Lacs) in cash. During the course of the investigation of the case Rs.20,00,000/- (Twenty Lacs) were found to be transferred from account No. 2011211130266604 of AU Small Finance Bank to present petitioner Kamaluddin's NGO's Umed Health Care Society.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State's counsel opposes bail and refers to the reply. Counsel for the complainant also objected to grant of bail to the petitioner and referred to transaction of money and chats.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

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“That it is pertinent to mention here that present petitioner in companion with accused Manbir met with the complaint's father and he gave the assurance to him that he will be appointed as a Governor of Andaman Nicobar on the pretext of 100 crore rupees. On which complainant's father gave Rs.10,85,00,000/- in the form of cash and online transactions to the present petitioner and other accused.”

REASONING:

7. Allegations against the petitioner are that he cheated the father of the complainant for a massive amount of Rs. 10,85,00,000/- with a lure to get him appointed as governor of Andaman and Nicobar.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 34 of the bail petition, the petitioner has been in custody since 21.10.2024 and accordingly his custody in this FIR is approximately 05 months. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

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13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

25.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.