IN THE COURT OF Mrs AMANDEEP KAMBOJ,(UID NO.PB0351)
SUB DIVISIONAL JUDICIAL MAGISTRATE,
GARHSHANKAR

CNR No.PBHOB10002722020
Bail application No.270 of 21.05.2020
Date of institution:21.05.2020
Date of order: 22.05.2020

Satpal Vs Rajiv Kumar Sharma
BAIL APPLICATION

Present : Sh Charanjit Singh, APP for State.
Sh. Varun Sharma and Munish Patial Advocates, for accused/applicant.

1. This order of mine shall dispose of the application for bail moved by applicant/accused Rajiv Kumar Sharma through his counsel pertaining to case FIR No 27 dated 23.02.2020 under section 406,420,465,468,471,120-B IPC registered at police station, Garhshankar .

2 Notice of the application was given to the Ld.APP for State. No written reply was filed. However, Ld.APP for State contested the application orally.

3 Heard. Ld counsel for applicant/accused argued on the lines of the application that accused is an innocent person who has been falsely implicated by the complainant Balwant Singh Sohal on whose statement the above said FIR was registered. Further that the applicant/accused was arrested by the police on 03-03-2020 and since then he is in custody in this case. Ld counsel reiterated that applicant/accused is an innocent person and he has no concern with the alleged offence rather he is just an employee of Deepak Gupta the accused named in the FIR. Learned counsel added that presentation of challan would take time so the applicant/accused be released on bail.

4 Per contra, Ld.APP for State argued that applicant/accused has committed heinous offences and he along with accomplices has cheated the complainant by forging documents and withdrawing a huge sum of Rs 66,00,000/-(Rupees Sixty Six Lacs) from the complainant's bank account. Ld APP addded that during course of investigation it has been found that applicant/accused and his accomplices also indulged in

tampering with electronic record and bribing officials to fabricate fictitious identities and addresses to open bank accounts and to perpetrate the alleged offence so the offences under Information Technology Act and Prevention of Corruption Act have also been enhanced against the applicant/accused and others. With these submissions ld APP submitted that the applicant/accused is not liable to be released on bail and prayed that application be dismissed.

5 I have heard the rival contentions and have perused the record carefully. The FIR had been lodged on the complaint of octagenarian complainant Balwant Singh Sohal who is holder of an account with PNB Moranwali branch bearing a/c No.3433000606050024. On 05.12.2019 a cheque bearing No.662196 in the sum of Rs 39,50,000/- was presented at the HDFC Bank branch Batala and on 06.12.2019 after the cheque was cleared by the bank the said amount was deposited in the HDFC branch Batala account No.50100314148580. Similarly another sum of Rs 26,50,000/- was drawn out of complainant's account and deposited in the same HDFC branch Batala account No.50100314148580 vide cheque bearing No.662198 dated 10.12.2019. The said HDFC branch Batala account No.50100314148580 was found to be in the name of Sandhya daughter of Chetan Ram r/o H.No. 131/2-250 Gali No.3 Shastri Nagar Batala. However, the original cheques bearing No.662196 and No.662198 were with the complainant and he had never issued these to anyone. On checking with the HDFC Branch Batala it was found that from Sandhya's HDFC branch Batala account No.50100314148580 some amount had been transfered to account No 50100315063364 in the name of Mahinder Pal s/o Prakash Chand Boota Ram r/o H.N.2532 Gali No.10/2 Shastri Nagar Batala and some amount was transfered online to various other accounts while some amount was withdrawn through various ATMs at different places. Further allegations are that instant accused along with Deepak Gupta had fabricated documents, bribed officials and opened accounts in names of fictitious persons and by using those fabricated documents got bank accounts opened in names of fictious persons in fictitious addresses. But the photograph of alleged holder of account No 50100315063364 namely Mahinder Pal s/o Prakash Chand Boota Ram

r/o H.N.2532 Gali No.10/2 Shastri Nagar Batala matched with that of Deepak Gupta the co-accused in this case, who was already on the list of the Cyber Crimes Cell. It further percolates from record that vide daily roznamcha rapat dated 03.05.2020 the offences under section 419 IPC, section 66,66D,72,72A IT Act and section 13(2) PC Act have been enhanced and added against the applicant/accused and others. The allegations against the accused are very grave which include offences not only under the Indian Penal Code but also economic offences against the State and punishable under the IT Act and also the Prevention of Corruption Act which is exclusively triable by ld Sessions Court/Special Court. I am of the considered opinion that if the applicant/accused is enlarged on bail he might deter proper investigation of the case, may influence/threaten the witnesses from cooperating in the investigation and there is great likelihood that the accused himself might leave India to escape investigation and trial. So, applicant/accused does not deserve the concession of bail. The application is accordingly dismissed.

Pronounced. (Amandeep Kamboj)
22.05.2020 Sub Divisional Judicial Magistrate,
Typed By: Balbir. Garhshankar.