HRPK01-00-3826-2022

Presented on : 10.10.2022
Registered on : 10.10.2022
Decided on : 26.10.2022
Duration : 0 year, 0 month, 16 days

IN THE COURT OF
Additional Sessions Judge
at Panchkula.
(Presided Over by Sunil Kumar-II)
UID No.HR-0233

BA/1297/2022

Narinder Khillan, aged 57 years, son of Shri Shiv Nath Rai, resident of House No. 557, Sector-10, Panchkula.

(At present confined in Central Jail, Ambala)

…..Applicant/Accused.

VERSUS

State of Haryana.

..…Respondent.

FIR No.296 dated 28.06.2022.
Under Sections –384/406/420/467/468/471/506/120-B of IPC
Police Station : Sector-05, Panchkula.

BAIL APPLICATION UNDER SECTION-439 OF CR.P.C.

Present: Sh. Rakesh Rana, Advocate for the applicant/accused.
Sh. Rajbir Singh, Ld. Public Prosecutor.

ORDER:

The instant application for bail under Section-439 of Cr.P.C. has been filed by the applicant/accused named above with the averments that he is a victim of false implication at the hands of the complainant in the case. The applicant/accused was produced before the Court of Shri Nitin Raj, learned Chief Judicial Magistrate, Panchkula on 09.09.2022 and he is in custody since then. The trial would take long time and no useful purpose would be served by keeping the applicant/accused behind the bars. No recovery is to be effected from the applicant/accused. As per allegations, the applicant/accused never received any amount either in cash or through cheque in his account. The applicant/accused never misused the documents of the complainant. The applicant/accused never presented the cheques of the complainant in his account and same were not got bounced by the applicant/accused. The applicant/accused undertakes to appear on each and every date of hearing. He would not tamper with the evidence and he would not threaten the witnesses. All the offences are triable by Judicial Magistrate Ist Class. Since the applicant/accused belongs to a respectable family, there is no chance of his absconding. The applicant/accused has not gained anything wrongfully. The applicant/accused has filed the application for regular bail and the same was dismissed by the Court of Shri Nitin Raj, learned Chief Judicial Magistrate, Panchkula vide the order dated 03.10.2022. No similar application for bail has been filed before any Court by the applicant/accused and it is the first application for bail under Section-439 of Cr.P.C. It is on the above grounds that the applicant/accused has prayed for regular bail under Section-439 of Cr.P.C.

2. On notice of the bail application, reply to the same through the learned Public Prosecutor has been filed. In the reply, it is stated that the instant FIR has been registered on the basis of a complaint given by one Deepak Kumar son of Mahender Singh, resident of House No. 401, Block-B, Regalia Tower, Dhakoli, Punjab. The complainant alleged that he runs a financial consultant firm under the name and style of Him Corporate Services rendering the services across the country. He introduced his clients Mr. Alapati Vara Prasad, Mr. Umed Singh, Mr. Irfan Jabbar Chini and one Sanjeev Garg to Anil Bhalla, Akash Bhalla and Narinder Khillan who projected themselves as private financiers and multinational bank agents. Said clients were introduced between the years, 2018 to 2020 for the purpose of obtaining business loan from Anil Bhalla, Akash Bhalla and Narinder Khillan. Said Anil Bhalla, Akash Bhalla and Narinder Khillan made the complainant to believe that they had good contacts and they could arrange loan for Indian business entities from Rs.50 crore to Rs.500 crore. They told the complainant that they would require a set of copies of all existing properties of every client and thereafter, they would send the write up of business to prospective overseas investors/lenders. If the investors/lenders were satisfied, they would take 1% to 2% of the loan amount along with a set of signed blank papers and the process would be started. If the work is not done within 60 international working days, they would refund double of the amount and would return the set of signed blank papers etc. The

complainant was duped of Rs.5,30,000/- by said Anil Bhalla and his gang members and said amount was paid by the complainant from his bank accounts. Due to urgency, the complainant borrowed unsecured bridge loan of Rs.4,50,000/- at 10% interest per month from Anil Bhalla and he used to pay the monthly interest from his bank account as well as in cash. In this process, the complainant handed over two sets of signed blank legal papers along with ten cheques. Thereafter, Anil Bhalla and Narinder Khillan failed to fulfil their commitments towards the clients of the complainant. The complainant asked Anil Bhalla to return all the blank documents, signed blank stamp papers etc. whereupon he was threatened by said Anil Kumar Bhalla. Resultantly, the complainant gave a complaint to the Deputy Commissioner of Police, Panchkula on 14.12.2020 but no action was taken on the said complaint. Soon after, Anil Bhalla and accused persons namely Akash Bhalla and Narinder Khillan fraudulently handed over one of the cheques of the complainant to one Narinder son of Baljeet Singh, resident of Flat No. 101, GH-14, Sector-24, Panchkula though the complainant never met him or communicated with him. Said Narinder son of Baljeet Singh fraudulently tried to encash the cheque but the same got bounced. A fake and frivolous complaint was filed against the complainant by said Narinder son of Baljeet Singh in collusion with Anil Bhalla. The other four cheques bearing No. 36 dated 18.12.2020 amounting to Rs.10 lakh, cheque No.00037 dated 25.01.2021 amounting to Rs.24 lakh, cheque No.000038 dated

10.08.2021 amounting to Rs.45 lakh and cheque No.000039 dated 22.04.2022 amounting to Rs.75 lakh were got bounced by Anil Bhalla and other accused persons. Said cheques were presented by Narinder son of Baljeet Singh, Anil Bhalla, Narinder Khillan and Akash Bhalla respectively. In this way, said Akash Bhalla, Anil Bhalla and Narinder Khillan committed breach of trust, cheating, fraud and misused the blank signed cheques. It is on the basis of allegations as summarized above that the instant FIR No. 296 dated 28.06.2022 came to be registered under Sections-384/406/420/467/ 468/471/506/120-B of IPC. Investigation was initiated. In the course of investigation, statements of witnesses were recorded. The record was obtained from the banks. In the course of investigation, it was found that cheque No. 000036 amounting to Rs.24 lakh was filled by accused Anil Bhalla and same was presented in his account maintained with AU Small Finance Bank. Similarly, cheque No. 000037 amounting to Rs.10 lakh was presented by Narinder son of Baljeet Singh on 18.12.2020 in his account maintained with HDFC Bank whereas cheque No.000038 amounting to Rs.45 lakh was presented by Jasbir Singh son of Haakam Singh in his account maintained with Axis Bank. Accused Akash Bhalla presented cheque No.000039 amounting to Rs.75 lakh on 22.04.2022 in his account. Production warrants were got issued against accused Anil Bhalla and Narinder Khillan for 09.09.2022 and they were produced before the Court. They were joined in the investigation with the permission of the Court and were duly arrested. Their confessional statements were recorded. It was found that accused Anil Bhalla procured loan of Rs.5 lakh for the complainant Deepak from accused Narinder Khillan at 10% rate of interest out of the amount of Rs.5,30,000/- given to Anil Bhalla by complainant Deepak. He deducted advance interest of Rs.50,000/- from the said amount and paid the amount of Rs.4,50,000/- to complainant Deepak. Said amount was given to the complainant in December, 2019 and accused Anil Bhalla used to receive interest amount of Rs.50,000/- per month up to December, 2020. As a security for the loan amount, five blank cheques drawn on Standard Chartered Bank, Sector-9-C, Chandigarh and five legal bonds with the signatures of the complainant were taken by accused Anil Bhalla. Since the cheques given by the complainant got dishonored, the complaints under Section-138 of Negotiable Instruments Act were filed against the complainant Deepak in Panchkula Courts. Accused Akash Bhalla was duly arrested on 28.09.2022 and his confessional statement was recorded. Remaining accused persons are yet to be arrested. The details of as many as six cases registered under the similar Sections against the applicant/accused are given in the reply to the bail application. If the applicant/accused is granted bail, he may threaten the complainant and the witnesses. Investigation may be influenced by him by means of inducement to the complainant. It is on the above grounds that the application for bail is sought to be dismissed.

3. I have gone through the contents of the bail application as well as the reply filed to the same. Arguments led by learned counsel for the applicant/accused as well as learned Public Prosecutor have been heard at length by me.

4. The allegations as summarized above would reveal that no blank cheque was handed over to the applicant/accused Narinder Khillan by complainant Deepak. In the course of the investigation, it is not found that the applicant/accused presented any cheque of the complainant for encashment in his bank account. The details of the cases registered in the past against the applicant/accused would show that the applicant/accused is a person with criminal antecedents and the cases in the past under similar Sections have been registered against him but the facts of the particular case have got to be analyzed by the Court. The role played by the applicant/accused in the instant case shall be determined on the basis of evidence led during the trial but as of now, the allegations would show that no blank cheque was handed over to the applicant/accused by the complainant nor the applicant/accused presented any blank cheque for encashment. The applicant/accused is in custody since 09.09.2022. Investigation qua the remaining accused persons is still going on and it would take time to conclude. Thereafter, the trial would also take sufficient time to conclude. In the above circumstances and in view of the role played by the applicant/accused in the whole episode, it would not be justiciable to

keep the applicant/accused behind the bars any longer.

5. For the reasons recorded above, the application for bail under Section-439 of Cr.P.C. is allowed and the applicant/accused Narinder Khillan is admitted to bail subject to furnishing personal bond in the sum of ₹50,000/- with one surety of the like amount to the satisfaction of the trial Court/Duty Judicial Magistrate, Panchkula. A copy of this order be forwarded to the learned trial Court/Duty Judicial Magistrate, Panchkula forthwith. Thereafter, the case file be consigned to the record room after necessary compliance.

(Sunil Kumar-II),
Duty/Additional Sessions Judge,
Panchkula. (UID : HR0233)

Dated :26.10.2022
(Bhupinder)

Note: Each of the -8- pages of this order has been checked and signed by me.

(Sunil Kumar-II),
Duty/Additional Sessions Judge,
Panchkula.

Narinder Khillan Vs. State of Haryana

HRPK-01-00-3826-2022 BA/1297/2022

Present: Sh. Rakesh Rana, Advocate for the applicant/accused.
Sh. Rajbir Singh, Ld. Public Prosecutor.

Arguments on the application for bail under Section-439 Cr.P.C. heard. Order pronounced. Vide my separate detailed order of even date, the application for bail under Section-439 Cr.P.C. filed by the applicant/accused is allowed and the applicant/accused Narinder Khillan is admitted to bail subject to furnishing personal bond in the sum of ₹50,000/- with one surety of the like amount to the satisfaction of the trial Court/Duty Judicial Magistrate, Panchkula. A copy of detailed order be forwarded to the learned trial Court/Duty Judicial Magistrate, Panchkula forthwith. Thereafter, the case file be consigned to the record room after necessary compliance.

Announced in open court.
Dated : 26.10.2022
(Bhupinder)

(Sunil Kumar-II),
Duty/Addl. Sessions Judge,
Panchkula. UID : HR0233

(Sunil Kumar-II)
ASJ, PKL 26.10.2022