(2019) 03 DEL CK 0117

In the Delhi High Court

Case No : Bail Application No. 596 Of 2019

Ram Singh APPELLANT

Vs

State Of Nct Of Delhi RESPONDENT

Date of Decision : 18-03-2019

Acts Referred:
Indian Penal Code, 1860 — Section 120B, 420, 467, 468, 471

Citation : (2019) 03 DEL CK 0117

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Rajat Wadhwa, Urvashi Barman, Jaspreet Kaur, Ashish Vadra, Hirein Sharma

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks regular bail in FIR No.207/2016 under Sections 420/467/468/471/120B IPC, Police Station Connaught Place.

2. Subject FIR was registered on a complaint made by the Corporation Bank. The allegations in the FIR are that a cheque was given for the purposes of RTGS transfer of Rs.27,20,000/- to the account of M/s. S.N. Trading. RTGS was given effect to and the amount was transferred. Subsequently, another cheque was received along with a request for transfer of Rs.29,90,000/- through RTGS to M/s. S.S. Traders, however, during inquiry by the Bank Officials, no confirmed answer was received from the telephone number mentioned in the request for RTGS and the RTGS was not affected. Subsequently, a compliant was received from the account holder that he had not instructed transfer of any fund through RTGS to any account. The account holder further pointed out to the bank that the original cheques which had been allegedly received by the Bank with request for RTGS were still in the possession of the account holder. Subject complaint was lodged.

3. During investigation, it transpired that both the cheques, which had been submitted to the Bank, were forged. One Mehandi Hassan, who had allegedly presented the cheques was interrogated. He claimed that he had taken the cheques to the Bank for transfer of funds through RTGS. In his disclosure statement, he stated that the cheques were handed over by him by one Jitender @ Jitu. Jitender @ Jitu in his confessional/disclosure statement is alleged to have stated that he was introduced to the present petitioner, who knew some employee of Corporation Bank through whom he would obtain information of gullible accounts where SMS facility had not been registered and the cheques were forged and fabricated by the petitioner and handed over to him as well as Mehandi Hassan for being withdrawn from the Bank.

4. Case of the prosecution is that the co-accused Jitender @ Jitu in his disclosure statement named the petitioner and when a raid was conducted at the house of the petitioner, one blank cheque also belonging to the same series was recovered from the house of the petitioner and it also bore the signatures of the account holder. As per the prosecution, the recovery of the cheque from the house of the petitioner showed his involvement in the subject offence.

5. Leaned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that apart from the alleged disclosure/confessional statement, there is no material to connect the petitioner to the subject offence. He further submits that the alleged recovery of a cheque from the house of the petitioner is an alleged recovery made in a confessional statement in another FIR and the alleged recovery has been made from the house of the petitioner when he was admittedly not present.

6. Learned counsel for the petitioner submits that there is no recovery or disclosure/confessional statement of the petitioner of his involvement in the subject offence or any recovery consequent to such alleged disclosure/ confessional statement. Learned counsel for the petitioner submits that the petitioner has already been enlarged on bail in the other FIR.

7. Petitioner has been in custody since 08.02.2019.

8. Status report has been filed. The same is taken on record.

9. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case and the fact that charge sheet has already been filed and trial is likely to take substantial time, I am satisfied that the petitioner has made out a case for grant of regular bail.

10. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or prosecution witnesses. Petitioner shall furnish his permanent residential address as well as his mobile number to the Investigating Officer. Petitioner shall not change his residence without prior

intimation to the Trial Court.

11. Petition is allowed in the above terms.

12. Order Dasti under the signatures of the Court Master.

