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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-38946 of 2019 (O&M)

Date of Decision: December 10, 2019

Shamsher

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Naveen Gupta, Advocate and
Mr. S.K. Jain, Advocate
for the petitioner

Mr. Gaurav Bansal, AAG Haryana

Sudhir Mittal, J. (Oral)

CRM-31915-2019

This is an application for placing on record Annexure P-8.

Notice of the application.

Mr. Gaurav Bansal, AAG Haryana, accepts notice on behalf of the respondent-State and has no objection in case the application is allowed.

Application is, accordingly, allowed and Annexure P-8 is taken on record subject to all just exceptions.

Crl. Misc. No. M-38946 of 2019

The petitioner seeks grant of regular bail in case FIR No. 29 dated 09.02.2019 under Sections 419, 420, 468, 471, 120-B IPC and Section 66(C) & 66 (D) of Information Technology (Amendment) Act, 2008 (Section 511 IPC, Section 67 & 84(C) of Information Technology (Amendment) Act, 2008 and Section 42 of Aadhar Act, 2016 added later on) registered at Police Station Uchana, District Jind.

Learned senior counsel for the petitioner submits that the only allegation against the petitioner is that he attempted to withdraw amount of Rs.

1000/- from the account of the complainant. This allegation has been proved to be

false as the complainant has been examined in the trial as PW-1 and he has given clean chit to the petitioner. The petitioner has been in custody for over 9 months now and the trial is not likely to be concluded at an early date as only 3 PWs have been examined till date out of a total of 12 PWs. Thus, the petitioner be released on regular bail.

Custody certificate dated 10.12.2019 prepared by Sh. Rakesh Kumar, DSP, Deputy Superintendent, District Prison, Jind, has been filed in the Court today and the same is taken on record. According to the certificate, the petitioner has undergone actual custody of 9 months and 29 days and there is no other criminal case pending/decided against him.

Learned State counsel does not dispute the submission of learned counsel for the petitioner.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

December 10, 2019

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No