

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42014-2019

Date of decision : October 04, 2019

ARUN KUMAR MENON

.....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sangram S.Saron, Advocate
for the petitioner.

Mr. J.S. Bedi, Senior Advocate
with Mr. Sonpreet Singh Brar, Advocate
for the respondent.

Mr. J.P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of this Code of Criminal Procedure (in short Cr.P.C') in FIR No. 2 dated 09.06.2018, for offences punishable under Section 66 of the Information Technology Act, 2000 and 406, 420, of the Indian Penal Code (in short 'IPC'), registered at Police Station Punjab State Cyber Crime Police, District S.A.S. Nagar, Mohali.

The learned counsel relies upon the orders passed by this Court on 30.04.2019 in CRM-M-42194-2018 vide which the bail was granted to the co-accused-Ajay Kumar Menon. The operative part of the orders reads as under:-

“Counsel for the petitioner has submitted that as per the allegations in the FIR, registered on the complaint of Sumeet

Sidhu, Director Sahib Tradeline Private Limited, the Apps Daily Solution Private Limited though its representatives approached the complainant for entering into business agreement to become National Distributor for sale of Insurance plan, extended warranty and damage protection for mobile phones which could be purchased by way of online internet mobile application through Apps Daily Wallet recharge points. The complainant became distributor and invested Rs.3.25 crores for the purchase of wallet points but the accused company has cheated the complainant. Firstly, they failed to provide services as promised and secondly, the accused company has transferred only wallet points worth Rs.1.5 crore and withheld the balance amount of Rs.2.20 crore and in this way, it is alleged that there is a breach of terms and conditions of the agreement dated 20.09.2016.

Counsel for the petitioner has further submitted that the petitioner was arrested on 20.08.2018; the offences are triable by the Court of Magistrate; the investigation is complete and challan is presented on 18.10.2018 however, the trial Court has not framed the charges against the petitioner so far as the co-accused of the petitioner is yet to be arrested. It is further submitted that it will take long time in conclusion of the trial and the custodial interrogation of the petitioner is not required. Counsel for the State, on instructions from SI Daljit Singh, has not disputed the factual position but opposed the prayer for bail on the ground that there are serious allegations against the petitioner.

Counsel for the complainant has also opposed the prayer for bail on the ground that the petitioner is involved in one more FIR of similar nature.

In reply counsel for the petitioner has submitted that an S.L.P. is pending before the Hon'ble Supreme Court with respect to the FIR pertaining to District Bathinda.

Without commenting anything on merits of the case, considering the fact that the petitioner is in long custody since 20.08.2018; challan stands presented on 18.10.2018; the offences are triable by the Court of Magistrate and also in view of the fact that the trial is moving at a very slow pace and thus, conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds and 02 sureties of heavy amount to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate”.

The counsel for the petitioner submits that the petitioner is in custody since 27.06.2019, and the *challan* stands presented and since the offences are triable by the Court of Magistrate, and the conclusion of the trial is likely to take long time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail.

Counsel for the State, on instructions from SI Upinder Jeet Singh, has not disputed the factual position but opposed the prayer for bail on the ground that there are serious allegations against the petitioners and earlier the anticipatory bail of the petitioner was dismissed.

The learned Senior counsel for the complainant has also opposed the prayer for bail on the ground that the petitioner is also involved in one more FIR of similar nature and multiple complaints, are pending for investigation against the petitioner. Learned senior counsel for the complainant further submits that the fraud on the part of the petitioner is still continuing. It is further submitted that there is a possibility that the petitioner may abscond from the proceedings of the Court.

After hearing the learned counsel for the parties and considering the fact that the co-accused has already been granted the

concession of bail and in the present case the *challan* is presented and offences are triable by the Court of Magistrate the petitioner is directed to be released on bail subject to his furnishing bail bonds and 02 sureties of heavy amount to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

It is further directed that the petitioner will surrender his passport before the concerned Illaq Magistrate/Duty Magistrate and he will not travel abroad without the prior permission of the Court.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

04.10.2019

tarun sahani

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No