

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-35810 of 2020.

Decided on:- November 09, 2020.

Harender Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.175 dated 16.10.2020 under Section 420 IPC, Section 75 of the Information Technology Act, 2000 and Sections 43 and 66d of the Information Technology (Amendment) Act, 2008 registered at Cyber Crime Police Station, Gurugram, District Gurugram.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.10.2020. The offence allegedly committed by the petitioner is triable by Magistrate for which maximum punishment is upto 3 years. The wife of the petitioner is at advance stage of pregnancy.

He refers to the FIR in question to contend that the owner of the call centre had disclosed that he and his manager Sunit Gautam used to send

virus link through popup on the illegal site and porn site enabling the foreign customers used to watch movies on illegal site or porn sites. He further submits that the petitioner is not the beneficiary being an employee.

Learned State counsel does not dispute the custody of the petitioner.

I have heard learned counsel for the parties.

Considering the fact that the offence allegedly committed by the petitioner is triable by Magistrate and the petitioner is in custody since 17.10.2020 coupled with the fact that the trial is not likely to be concluded in near future, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

November 09, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No