

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-27291-2021 (O&M)

Date of decision: 27.07.2021

Kiran Surya @ Raji

...Petitioner

Versus

Union Territory, Chandigarh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Vivek Kathuria, Advocate for the petitioner.
Mr. A.M.Punchhi, Advocate for UT, Chandigarh

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the second petition for grant of bail, pending trial, to the petitioner in a criminal case arising from FIR No.372, dated 06.09.2017 registered under Section 419, 420, 467, 468, 471, 120-B IPC and Section 66-D of Information Technology Act, 2000, at Police Station, Sector 39, Chandigarh.

The previous petition for grant of bail filed by the petitioner was withdrawn on 23.09.2019. The petitioner is in custody for a period of 3 years 4 months and 20 days.

The learned counsel for the UT, Chandigarh, informs the Court that the petitioner does not have any criminal record in UT, Chandigarh.

On 25.03.2021, two co-accused were granted the concession of bail by this Court, with the following order:-

“By this order, two petitions, i.e. CRM-

M-17947 & 23620 of 2020, shall stand disposed of. Petitioners in both the petitions pray for grant of bail in a criminal case arising out of FIR No.372 dated 06.09.2017 registered under Sections 419, 420, 467, 468, 471 and 120-B IPC and Section 66-D of Information and Technology Act, 2000, registered at PS Sector 39, Chandigarh.

As per the case of prosecution, the petitioners along with certain other co-accused duped the first instalment of Rs.29,50,000/- on the pretext of supplying herbal extract seeds which were projected to be having good international demand. The petitioners have already undergone more than three years of actual custody. On 11.02.2021, Sh. AM Punchhi, PP, UT Chandigarh, was requested to get information with regard to the criminal antecedents of the petitioners from the other States. Affidavit of Deputy Superintendent of Police, Cyber Crime Investigation Cell, Chandigarh, has been filed pointing out that the prosecuting agency could not get information with regard to any pending cases in the other States against the petitioner-Abdul Muneer. However, Sh. AM Punchhi, PP, UT Chandigarh, has informed the Court that there are two more cases of similar nature against the petitioner-Mohd. Ashish.

Keeping in view the fact that the petitioners have already undergone more than three years of actual custody, these petitions are allowed and the Trial Court is directed to release the petitioners on bail after examining the feasibility of demanding heavy surety keeping in view the amount involved and the petitioners are residents of Maharashtra.”

The case is triable by Judicial Magistrate.

Without commenting on the merits of the case and keeping in view the aforesaid facts, it is considered appropriate to release the petitioner on regular bail, after examining the feasibility of demanding heavy surety, keeping in view the amount involved and the fact that the petitioner is a resident of the State of Kerala.

Petition stands allowed.

All the pending miscellaneous applications, if any, are also disposed of.

27.07.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE