

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.37644 of 2021
Date of Decision: November 23, 2021

Rahul Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Baljeet Beniwal, Advocate,
for the petitioner.

Mr.Sukhdeep Parmar, DAG, Haryana.

Mr.D.S.Matya, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.156 dated 25.08.2020, under Section 420 IPC, 1860, Section 66-D I.T.Act, 2003 and Sections 419, 467, 468, 471, 120-B read with Section 34 IPC (added later on), registered at Police Station, Cyber Crime, District Gurugram, who is in custody since his arrest on 18.09.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Gurugram in his order dated 04.08.2021 while dismissing the bail application of the petitioner, are as under:-

“Shorn of unnecessary details, the facts of the case of the prosecution are that on dated 07.08.2020, the complainant Smt. Bhawna presented a complaint before the concerned police to the effect that she is having a bank account bearing no.309005407525 in RBL Bank, Palam Square, Gurugram and

with effect from 19.07.2020 to 20.07.2020, an amount of ₹ 38,63,893/- has been fraudulently withdrawn by some unknown person from her abovesaid account without her consent and knowledge.”

Learned counsel for the petitioner has argued that as per the allegations, amount of Rs.38,63,893/- was illegally withdrawn from the account of the complainant and was received by the other co-accused, namely, Riyaj and Junaid, who are in custody. He submits that the petitioner has been falsely implicated only on the basis of a SIM card obtained by the co-accused in his name. According to him, the petitioner is not involved in the other cases and as the investigation qua him is complete, he be released on bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by Inspector Om Parkash, as well as the learned counsel for the complainant, who have argued that the petitioner also participated in the crime as he gave his mobile number obtained by him on fake documents by showing himself as Anil Kumar and facilitated the crime committed by the other accused. However, it is not disputed that the investigation qua the petitioner is complete and no amount was transferred in the account of the petitioner from the account of complainant Bhawna wife of Pawan Kumar.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude, the further detention of the petitioner behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are the complainant or the police officials and at present, there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Gurugram.

November 23, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No