

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.39263 of 2021

Date of Decision: November 23, 2021

Riyaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Nafees Ahmad Khan, 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 23.09.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Gurugram in his order dated 02.07.2021 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 during the period from 19.07.2020 to 20.07.2020, an amount of

₹38,63,893/- has been fraudulently withdrawn from her abovesaid account without her consent and knowledge by some unknown persons.”

Learned counsel for the petitioner has argued that on the statement of co-accused Junaid, petitioner has been falsely implicated and there is no transaction between the complainant's account and the account maintained by the petitioner. He submits that co-accused Rahul Khan has been granted the concession of regular bail by this court, therefore, the petitioner be also granted the same concession.

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the complainant, who have argued that the petitioner actively participated in the crime and fraudulently the amount was withdrawn from the account of the complainant. Learned State counsel has argued that a sum of Rs.1,50,000/- has been credited in the account of the petitioner. According to him, the case of the petitioner is distinguishable from the co-accused, who has been released on bail.

After hearing the learned counsel for the parties, considering the gravity of the offences as well as the fact that the investigation in the crime is still in progress, this court does not find any reason to grant bail. No doubt, the final report qua the petitioner has been filed, but at this stage, it is not a fit case for extending the concession of regular bail to the petitioner.

Resultantly, the petition fails and is dismissed.

November 23, 2021

ramesh

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No