

203

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M No. 51212 of 2021****Date of decision: 14.12.2021****Varish****...Petitioner****Versus****State of Haryana****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Kunal Dawar, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

ARUN MONGA, J. (ORAL)

This is third foray of petitioner before this court, seeking bail in FIR No. 58 dated 14.02.2020, registered under Sections 406/420 of IPC (Sections 419, 467, 468, 471, 120-B IPC and Sections 66C and 66D of IT Act were added later on) at Police Station Hodal, District Palwal. First petition bearing CRM-M-No.27768 of 2020 was dismissed as withdrawn on 30.10.2020, whereas the second petition bearing in CRM-M No. 4507 of 2021 was dismissed by this Court vide order dated 20.04.2021.

2. Per FIR, one Rinku remitted online sale consideration to purchase a car from its owner Ashish aggarwal. However, despite payment, instead of delivering the vehicle, the owner yet again demanded money towards sale consideration.

3. During enquiry of the complaint, what unearthed was that forged documents were being used on the website to lure the innocent

buyers. They were induced to make payments on the pretext of selling the vehicles. One Abdul Karim was arrested by the police on 19.02.2020, on whose disclosure statement, involvement of the petitioner was revealed. The petitioner was running a Common Service Centre(CSC) as per scheme floated by Government for rural residents to enable them to use online internet services offered on the website. Petitioner was arrested on 18.07.2020 on the suspicion of being involved in the offence with prime accused Abdul Karim, who had come to the CSC kiosk of the petitioner to carry out online alleged financial transactions through OLX website. He further submits that even otherwise, the allegations in the FIR do not make out any case against the petitioner. Accused Abdul Karim has already been granted bail by HMJ Manoj Bajaj vide order dated 11.01.2021 passed in CRM-M No. 314 of 2021.

4. Learned counsel for the petitioner further submits that the petitioner is in custody since 18.07.2020 i.e. for a period of more than 1 year and 5 months. The petitioner has been falsely implicated. All offences are triable by Magistrate. He submits that no useful purpose would be served by keeping the petitioner in preventive custody any more.

5. Learned State counsel opposes the bail plea of the petitioner. He argues that there are specific allegations against the petitioner. He submits that there is every likelihood that he may influence the witnesses.

6. I have heard rival contentions of the respective learned counsels.

7. On a Court query, learned State counsel does not controvert that the material witness namely Rinku (complainant) has already been examined and he has not supported the prosecution version.

8. Recording of the statements of the rest of the witnesses will still take some time. The petitioner is in custody since 18.07.2020 and the co-accused on whose statement the petitioner has been arrested has already been granted bail by a co-ordinate bench of this Court. The argument of the learned State counsel that the petitioner is likely to influence the witnesses, *prima facie* does not seem to be tenable as most of the rest of prosecution witnesses are officials.

9. The pending trial is also not likely to conclude anytime soon as the Courts are currently functioning under certain restrictions caused by COVID-19 pandemic and till outcome thereof, to keep the petitioner in custody merely on the ground of apprehension, seems to be improper and unfair at this stage.

10. Considering the overall scenario, coupled with prolonged detention already undergone, without commenting on the merits of the case, this petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is directed to be released on bail, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case trial Judge is not available, before learned duty Judge, as the case may be.

14.12.2021

vs

**(Arun Monga)
Judge**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No