

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1993-2022

DATE OF DECISION: MARCH 22, 2022

RAMAK @ RAM KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. BALJEET BENIWAL, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.156 dated 25.8.2020, under Section 420 IPC and Section 66-D of IT Act, 2003 (offence under Section 419/467/468/471/120-B read with Section 34 IPC), Police Station Cyber Crime, Gurugram, who is in custody since his arrest on 20.9.2020.

As per the FIR, on 07.08.2020, complainant Bhawna submitted a complaint before the police, wherein it was stated that she was having a bank account bearing No.309005407525 in RBL Bank, Palam Square, Gurugram and during the period 19.07.2020 to 20.07.2020, an amount of Rs.38,63,893/- was withdrawn fraudulently by some unknown persons from her abovesaid account without her knowledge. On these allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the petitioner was implicated in this case on the basis of statement of co-accused Rahul

Khan and the said co-accused has been released on bail vide order dated 23.11.2021 (Annexure P-3), therefore, the petitioner be also released on bail.

On the other hand, learned State counsel assisted by SI Satya Parkash has opposed the aforesaid prayer and argued that case of the petitioner is distinguishable from the said co-accused, as a sum of Rs.5 lakhs was received in the account of the petitioner like two other co-accused, namely, Junaid and Riaz and their bail applications also stand dismissed vide order dated 23.11.2021. However, it is not disputed that after completion of the investigation, the final report was filed against the petitioner on 23.11.2020, but till date charges have not been framed as other accused persons are yet to be arrested.

Considering the above background, custodial period of the petitioner and the fact that the trial is yet to commence, therefore, further detention of the petitioner behind the bars may not served any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 22, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No