

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

**CRM-M-6739 of 2022
Date of Decision:- 08.12.2022**

Surajit Gayen

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Atul Mahajan, Advocate
for Mr. Amandeep Saini, Advocate
for the petitioner.

Mr. C.L Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J.(Oral)

Present petition has been filed by the petitioner seeking grant of regular bail in case having FIR No.19 dated 31.03.2021, registered under Sections 66-C, 66-D of the Information Technology Act, 2000 and Section 420 and 120B IPC, Police Station Punjab State Cyber Crime, SAS Nagar (Punjab).

The counsel for the petitioner inter alia submits that the petitioner was not named in the FIR and was later on nominated as an accused and was arrested on 03.08.2021 and since then he is behind the bars. The counsel for the petitioner further submits that similarly situated co-accused Khursid Ahamed @ Khursid Ahmed is given benefit of regular bail by the coordinate Bench of this Court vide order dated 14.1.2022. The trial has commenced but it will take considerable time for it to conclude. The counsel for the petitioner

further submits that the petitioner is having no criminal history and is entitled to grant of regular bail.

The present petition is resisted by the State counsel who on instructions from SI Amit Singh submits that the exact complicity of the petitioner came to light after the registration of the FIR and accordingly, he was nominated as an accused. The State counsel further submits that during investigation the petitioner was arrested on 3.8.2021 and now the trial has commenced, however, the State counsel has not disputed the fact that co-accused Khurshid Ahmed has been granted bail vide order dated 14.01.2022.

I have considered the submissions made by counsel for the parties.

All the offences in the present case are triable by the Court of Judicial Magistrate 1st Class. The petitioner was not named in the FIR and his name surfaced later on and he was arrested on 3.8.2021. After the completion of investigation police presented the challan and now the trial has commenced but it will take considerable time for the trial to conclude. Co-accused Khursid Ahmed was granted benefit of regular bail vide order, Annexure P-3, by the coordinate Bench of this Court.

In view of the above, no useful purpose would be served by keeping the petitioner behind the bars for any longer period.

The instant petition is hereby allowed without commenting on the merits of the case and the petitioner is ordered to

be released on bail subject to furnishing his bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

08.12.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No