

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

CRM-M No. 8652 of 2022

Date of Decision: 30.03.2022

Amit Kumar Upadhya

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. R.S. Mamli, Advocate,
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 6 of 15.07.2021, which was registered against him, at Police Station Cyber Crime Police Station, Hisar Range, Hisar, constituting therein offences under Sections 406, 420, 467, 468, 471, 120-B of the IPC.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 14.10.2021.

3. The incriminatory role attributed to the bail petitioner, is of his alongwith co-accused – Dharamender Kushwaha, hence duping the complainant of a sum of Rs. 4,73,000/-.

4. The learned counsel for the petitioner submits, that the petitioner, as a pre-condition, for his being admitted to bail, is ready and willing to deposit a sum of Rs. 1 lakh/- in the establishment of the learned Magistrate concerned.

5. Be that as it may, since the bail petitioner is suffering judicial custody since 14.10.2021, and, also when it is stated at the Bar, by the

learned State Counsel, on instructions, meted to him, by the Investigating

Officer concerned, that the entire investigations are complete, and, that very soon, an affirmative report under Section 173 of the Cr.P.C., would be instituted, by the IO concerned, before the learned trial Court concerned. Consequently, this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioner. Contrarily, it is deemed appropriate to admit the bail petitioner to bail.

6. Consequently, the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on his furnishing, within one week, personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the trial Court concerned as and when he is required to be making his personal appearance unless validly exempted.

7. The afore order, is further subject to the petitioner's, within one week, depositing a sum of Rs. 1 lakh/-, before the establishment of the learned trial Judge concerned. The disbursement(s) of the afore sums of money, to be deposited, in pursuance to the afore made order, shall be regulated by the outcome of the trial(s), as, become entered, upon, by the learned trial Judge concerned, qua the FIR (supra).

March 30, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>