

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 226

CRM-M-20717-2021

Date of decision : 21.02.2022

Nanak Dev

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Harkaran Singh, Advocate, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.38 dated 27.11.2020 registered under Sections 420, 120-B IPC and Section 66, 66(C) and 66(D) of the Information Technology Act, 2000 at Police Station, SAS Nagar, District Crime Wing.

Briefly stated, the petitioner is being prosecuted for having illegally diverted Government's funds into his accounts by hacking computers as also using digital signatures of Drawing and Disbursing Officers.

Learned counsel for the petitioner contends that the petitioner while serving as a class-IV employee in the department of Deputy Economic & Statistics Office, Mansa was not in a position to hack any computer; based on the same set of allegations six cases have been lodged against the petitioner; in such cases he is in custody since 09.05.2020; in the other five cases the petitioner has been released on bail; through order of this Court dated 25.02.2021 passed in CRM-M-23636-2020 *Nanak Dev vs State of Punjab* in one such similar case the petitioner was granted regular bail; in addition to the gold ornaments, the State has already recovered most of the alleged amount which the petitioner is said to have diverted to his own accounts; besides the petitioner's banks accounts have been frozen; investigation in this case is complete and since the petitioner's trial is yet to begin and in which 26

witnesses have been cited by the prosecution, his trial would take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has six other FIRs pending against him; he has diverted lakhs of rupees of the State into his own accounts and if released on bail he may indulge in similar offences.

On a question posed by this Court, learned State counsel informs the Court that the lacunae in the computer system which was being exploited by the petitioner to divert funds has since been rectified.

It is true that the petitioner has six other similar FIRs pending against him but in all of them he has been granted bail by the Trial Court/this Court; he is in custody in these cases since 09.05.2020; investigation in this case is complete and therefore, the petitioner is in no position to influence the same; the petitioner's trial which is yet to start and in which 26 witnesses have been cited by the prosecution is likely to take a long time to conclude; recoveries to a large extent have already been made from the petitioner and since the lacunae in the computer system which was allegedly being exploited by the petitioner has since been rectified, this Court is of the opinion that further incarceration of the petitioner would not serve any purpose.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, SAS Nagar (Mohali), the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

It is further clarified that if the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of the bail granted through this order by filing of an appropriate application before this Court.

21.02.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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