

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22838-2022

Date of Decision: 20.12.2022

Treasure @ Treasure

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Garima Sharma, Advocate with
Mr. Chirag Saini, Advocate,
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.166 dated 12.9.2020 registered for the offences punishable under Sections 120-B, 419, 420, 467, 468, 471 IPC, Section 66-D of Information Technology Act and Section 14 of Foreigners Act at Police Station Cyber, District Gurugram.

Counsel for the petitioner *inter alia* contends that the petitioner who is a foreign national, was not named in the FIR and later on, nominated as accused during the investigation and is in custody for the last more than 2 years and 2 months and is having no criminal history. She further submits that after completion of investigation, challan was presented but the trial is not progressing ahead as till date, no prosecution witness has been examined after framing of charges. She further contends that all the offences are triable by the Court of Judicial Magistrate, 1st Class and it will take

considerable time for the trial to terminate. She further submits that co-accused Kelechi and Jitender Kumar are enlarged on bail by this Court vide orders dated 29.10.2022 passed in CRM-M-37615-2021 and CRM-M-10503-2022 respectively.

Present petition is contested by the State counsel who on instructions from Inspector Jasbir Singh submits that the present case is relating to online fraud involving amount of more than ₹ 1 crore which was committed by the petitioner in collusion with other accused persons. However, the State counsel has not disputed the fact that the offences are triable by the Court of Judicial Magistrate, 1st Class and the petitioner is incarcerated for the last more than 2 years and 2 months and till date, no prosecution witness has been examined further, co-accused Kelechi and Jitender Kumar are already given benefit of regular bail.

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

Admittedly, offences involved in the present case are triable by the Court of Judicial Magistrate, 1st Class and the petitioner is in custody for the last more than 2 years and 2 months and as has been admitted by the State counsel, the trial is not progressing ahead and thus, it will take considerable time for the trial to conclude. Further, co-accused Kelechi and Jitender Kumar are already enlarged on regular bail. So, no purpose is going to be served by prolonging judicial custody of the petitioner.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate

concerned.

As the petitioner is a foreign national, he is directed to surrender his passport in the trial Court and he should furnish two sureties in heavy amount at the time of submission of bail bonds and he should not leave the country without the permission of the trial Court during the pendency of the trial and not to pressurize the prosecution witnesses in any manner.

(KARAMJIT SINGH)
JUDGE

December 20, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No