

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

CRM-M-29630 of 2022(O&M)

Date of Decision: 22.12.2022

Amit Aggarwal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Tushan Rawal, Advocate
For the petitioner.**

Mr. Naveen Sheoran, DAG Haryana

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 67 dated 07.12.2021, registered under Sections 419, 420, 120-B and 201 IPC at Police Station Cyber Crime, Faridabad.

The counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he was not named in the FIR and lateron nominated as accused on the basis of the disclosure made by co-accused Tarun and Pardeep who were named in the FIR. The counsel for the petitioner while referring to Annexure P-6 and Annexure P-7 submits that both Tarun and Pardeep are already given benefit of regular bail. The counsel for the petitioner further submits that no amount was deposited in the bank account of the petitioner by the complainant and the petitioner is in custody for the last more than 11 months and after completion of

investigation challan has been presented but it will take time for the trial to conclude. So, prayer is made that the petitioner be given concession of regular bail.

The present petition is contested by the State counsel who, on instructions from SI Babu Ram, submits that the present case is relating to online fraud worth Rs.8,49,573/- and initially the FIR was registered against Tarun and Pardeep, who further named the present petitioner and thereafter the present petitioner was arrested and Rs.58,000/- and two mobile phones were recovered from his possession. However, the State counsel has not disputed the fact that co-accused Tarun and Pardeep are granted regular bail vide Annexure P-6 and P-7 and that the petitioner is detained for the last 11 months and is having no criminal history.

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

On the last date of hearing, the State counsel vehemently argued that the petitioner is also involved in number of other criminal cases relating to online frauds, on which report was called from the concerned jail authorities and the same has been received. As per the said report the petitioner is involved only in the present case and the jail authorities have not received his production warrants from any other Court in India.

All the offences are triable by the Court of Judicial Magistrate Ist Class. Admittedly, the petitioner was not named in the FIR and was lateron nominated as accused on the basis of the disclosure made by co-accused Tarun and Pardeep who are granted regular bail vide Annexure P-6

and P-7. The petitioner is in custody for the last 11 months and recoveries already stand effected and after completion of investigation police has presented the challan. But it will take considerable time for the trial to conclude and the petitioner is having no criminal history. So, no purpose is going to be served by detaining the petitioner in custody for any longer period.

Thus, 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.

22.12.2022

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**