

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

CRM-M-37615-2021
Date of Decision:-**29.10.2022**

KELECHI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.166 dated 12.09.2020 registered under Sections 419, 420, 467, 468, 471, 204, 120-B IPC and Section 66-D of IT Act and Section 3/14 of Foreigners Act at Police Station Cyber Crime District Gurugram.

The counsel for the petitioner submits that the petitioner was not named in the FIR and nominated as accused during the investigation and is in custody for the last more than 2 years and is having no criminal history. The counsel for the petitioner further submits that recoveries have already

been effected in the present case and after completion of investigation the police has presented the challan but the trial is not moving ahead. The counsel for the petitioner further submits that all the offences are triable by Judicial Magistrate Ist Class, and it will take considerable time for the trial to conclude and as such no purpose is going to be served by keeping the petitioner in custody for any longer period.

Reply by way of affidavit of Shiv Archan, Assistant Commissioner of Police, Cyber, Gurugram filed on behalf of the State is taken on record.

The present petition is contested by the State counsel, who on instructions from Inspector Om Parkash has submitted that present case is relating to on-line fraud committed by the petitioner in connivance with the other accused persons. However, the State counsel has not disputed the fact that the petitioner is behind the bars for the last more than 2 years and that out of total 34 PWs the prosecution has not examined any witness till date.

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

The offences involved in the present case are triable by the Judicial Magistrate Ist Class and the petitioner is in custody for the last more than 2 years and as has been admitted by the State counsel the trial is not proceeding ahead and it will take considerable time for the trial to conclude.

In the light of the above, no purpose is going to be served by keeping the accused behind the bars for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the

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

As the petitioner is a foreigner, he is directed to surrender his passport in the trial Court and he should furnish two sureties in heavy amount at the time of submitting the 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

29.10.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No