

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

223

CRM-M-39423-2022

Date of Decision : **September 07, 2022**

CISSE ABOU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.8 dated 6.1.2020 under Sections 406, 420, 467, 468, 471, 120-B IPC and Sections 66C/66D of I.T. Act, registered at Police Station City, Hisar, District Hisar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 2.8.2021 which is more than one year and the investigation of the case has already been completed and even the complainant, namely, Dr.Ashwani has already been examined as PW1. He further submitted that it is a case where the petitioner has been falsely implicated only on the basis of suspicion that a mobile call was made between the petitioner and the complainant but it was all on the basis of presumption that the petitioner had received any amount of money. Infact as per the prosecution there was another lady,

namely, Sonia who had called the complainant for demanding some money on the pretext that it was required for the medical treatment of the family member of the lady in England and consequently the complainant had transferred an amount of Rs.18,80,000/- for that purpose. He further submitted that be that as it may, the petitioner is a young boy of the age of 27 years and a foreign resident and he was not beneficiary of any transaction and has already faced incarceration for more than one year. He submitted that the trial of the case may take long time and, therefore, he may be considered for the grant of regular bail. He further submitted that the other co-accused, namely, Rose Wifey @ Vaiphei has been granted bail by this Court and the petitioner is at parity with the aforesaid co-accused.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 2.8.2021 which is more than one year and even the complainant has already been examined. He submitted that the other co-accused, namely, Rose Wifey @ Vaiphei has been granted bail by this Court vide Annexure P-2.

I have heard the learned counsels for the parties.

The other co-accused, namely, Rose Wifey @ Vaiphei was granted bail by this Court vide Annexure P-2 who appears to be at parity with the present petitioner. The investigation of the case has already been completed and the complainant has also been examined. The trial of the case may take long time and, therefore, it will be just and proper to grant bail to the petitioner.

In view of the aforesaid facts and circumstances, this Court

deems it fit to grant bail to the petitioner in view of the aforesaid facts and circumstances.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

The aforesaid bail order is subject to another added condition that the petitioner shall surrender his passport before the learned trial Court and the same shall not be released by the learned trial Court unless proper application is filed by the petitioner and the same is considered in accordance with law.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

September 07, 2022
ajay-1

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No