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

**CRM-M-42842-2021 (O&M)
Date of decision: 18.01.2022**

Dheeraj

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sandeep S. Majithia, Advocate for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 14, dated 24th June, 2021, under Sections 406, 419, 420, 467, 468, 471 IPC (Section 201 IPC added later on), registered at Police Station, Cyber Police Station, South Range, Rewari, District Rewari.

[3] Brief facts of the case are that Baljit Singh moved a complaint to S.H.O., Police Station Cyber, Rewari. It was alleged that on 16th June, 2021, Nikhil Kumar from Jio Company made a call to him informing about the mobile tower scheme and Rs. 1,750/- were paid to

him through PhonePe. Thereafter, Rajesh Chaudhary, posing as boss of Nikhil, called and Rs, 23,500/- and Rs. 19,800/- were paid to him on different dates and total amount of Rs. 1,12,550/- was deposited in the Axis Bank belonging to one Pankaj Gupta. The role attributed to the petitioner is that he got a share of Rs. 87,550/- from the amount collected.

[4] Mr. Sandeep S. Majithia, learned counsel for the petitioner submits that petitioner was not named in the FIR. From his alleged share of Rs.87,550/-, amount of Rs. 80,500/- was recovered. The petitioner is in custody since 26th August, 2021.

[5] Ms. Geeta Sharma, Deputy Advocate General, Haryana opposes the prayer for grant of bail. She submits that Pankaj Gupta in his disclosure statement, stated that his account was used by the petitioner and thereafter petitioner was nominated. On instructions from HC Jatinder Singh, she submits that investigation is complete, charge sheet stands presented and petitioner is not involved in any other criminal case.

[6] Learned counsel for the petitioner submits that Pankaj Gupta was never nominated as accused.

[7] Without commenting upon the merits of the case, considering the custody period, the facts that substantial amount of alleged share of petitioner stands recovered, investigation is complete, conclusion of trial is likely to take time and petitioner has no criminal antecedents, he is granted bail subject to furnishing bail bonds to the

satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[8] The petition is allowed.

[9] It is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

18th January, 2022
pankaj baweja

[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes
2. Whether reportable

:

Yes