

209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41041-2022(O&M)
Date of Decision: September 13, 2022

NISHANT SHARMA

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Sukesh Kumar Jindal, Advocate
for the complainant.

AMAN CHAUDHARY, J.(ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in respect of FIR No.10 dated 02.05.2022 under Sections 420, (467, 468, 471, 120-B IPC added later on) registered at Police Station Cyber Crime Ambala, District Ambala.

Brief facts of the case are that the daughter of the complainant aged 15 years was dishonestly induced through on-line fraud to part with an amount of Rs.3,80,000/- in different accounts.

Learned counsel submits that the petitioner has returned the entire amount of Rs.3,80,000/- to the complainant. He further refers to Annexure P-3, which is the statement made by the complainant before the trial Court on 02.08.2022 in this regard. He further submits that the petitioner has been in custody since 12.05.2022.

Learned counsel for the complainant has put in appearance and has affirmed the factum of the compromise and statement having been made in pursuance thereto.

Learned State counsel affirms the factum that the amount has been returned to the complainant. He submits the challan has been presented on 11.07.2022 and the next date of hearing for framing of charges is 19.09.2022. Recovery has been effected from the person as the amount has been returned.

Heard.

The statement made by the complainant before the trial Court, reads thus:-

“I have received a sum of Rs.3,80,000/- from petitioners/accused persons Dhananjay and Nishant. There is no objection if bail is granted to the petitioner/accused.”

Keeping in view the said statement of the complainant wherein she had given no objection if the bail is granted to the petitioner/accused; amount has been received by her; the petitioner is in custody from 12.05.2022; challan has been presented but the charges are yet to be framed and the trial is yet to commence, no useful purpose would be served by keeping the petitioner in custody further, thus, this petition deserved to be allowed.

Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case.

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which have only been made for the purpose of adjudicating the present petition for grant of regular bail.

13.09.2022

Sangeeta

**(AMAN CHAUDHARY)
JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No