

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

CRM-M-44178-2022

Date of Decision: September 29, 2022

Dhananjay Kumar Kushwaha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Saleem Ahmed, Advocate for the complainant.

AMAN CHAUDHARY, J.(Oral)

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

Learned counsel for the petitioner submits that there was an amount of Rs.16,500/-, which had been allegedly transferred to the account of the petitioner, however the total amount involved was of Rs.3,80,000/- as per the FIR. He submits that the entire amount stands paid to the complainant. He submits that the complainant has also made a statement before the trial Court on 02.08.2022, the certified copy of which has been produced in the Court, which 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.”

Learned counsel for the petitioner also relies on the order dated 13.09.2022 passed by this Court in CRM-M- No.41041 of 2022, Annexure P-4, whereby the co-accused has been granted bail based on the statement of the complainant that she has no objection if the bail is granted to the petitioner, in view of the amount having been received. Petitioner is stated to be in custody since 16.06.2022.

Mr. Saleem Ahmed, Advocate has appeared on behalf of the complainant and has filed power of attorney and affirms the factum of the statement having been made and the amount having been received.

Learned State counsel is not able to controvert the statement of the complainant having been recorded before the trial Court and the amount having been received by him.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, in particular, the statement made by the complainant before the trial Court that he has received the entire amount from the petitioners and has no objection if bail is granted to the petitioners-accused; co-accused has also been granted bail by this Court; petitioner is in custody for more than three months, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, 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. The petitioner shall abide by the following conditions:-

- “1. The petitioner will not tamper with the evidence during the trial.*
- 2. The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- 4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- 6. The petitioner shall not in any manner misuse his liberty.*
- 7. Any infraction shall entail in withdrawal of the benefit granted by this Court.”*

In view of the above, this Court makes it clear that the observations made herein above are limited for the purposes of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

September 29, 2022

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Whether reasoned/speaking:	Yes	/	No
Whether reportable:	Yes	/	No