

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

(Sr. No. 114)

CRM-M No. 49872 of 2021

Date of decision : 23.02.2022

Nitesh Khawani

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr.Pratham Sethi, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Vikas Bishnoi Godara, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.007 dated 09.08.2021 registered under Sections 120-B, 406, 420, 467, 468, 471 and 201 IPC and Section 66(D) of the Information Technology Act, at Police Station Cyber Crime PS, Hisar.

The petitioner and his co-accused are being prosecuted for having defrauded the complainant for an approximate amount of Rs.93,000/- through cyber fraud.

Learned counsel for the petitioner contends that the petitioner is in custody since 29.08.2021; investigation in the case is complete; the only evidence against the petitioner is the alleged disclosure statement of a co-accused made by him in police custody which is inadmissible under Section 25 of the Indian Evidence Act, 1872; in any case the matter between the petitioner and the complainant has been compromised and that

the petitioner's trial, which is yet to begin, will take a long time to conclude.

Though, learned counsel for the complainant does not oppose the grant of bail to the petitioner, learned State counsel has objection to the acceptance thereof on the ground that if released on bail, the petitioner may indulge in similar offences as also that he is involved in another FIR of similar nature.

The petitioner is in custody since 29.08.2021; investigation in the matter is complete; it is not disputed that the matter between the parties with regard to the alleged fraud stands compromised; in the only other criminal case of similar nature pending against the petitioner, he has been granted regular bail by the Trial Court at Ahmedabad and that petitioner's trial which is yet to commence is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hisar the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

23.02.2022*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No