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

CRM-M No.53510 of 2021 (O&M)

Date of decision: 05.04.2022

Jarrar Alamdar Haider

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Manmohan Kaur Dhaliwal, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0033 dated 06.06.2021, for offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (in short 'IPC') and 43, 66-D, 75 of the Information Technology Act, registered at Police Station Cyber Crime, Gurugram, District Gurugram.

Counsel for the petitioner has relied upon the order 08.03.2022 passed in CRM-M No.49875 of 2021, vide which the co-accused of the petitioner have been granted the concession of regular bail. The operative part of the said order, reads as under:-

“Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of Inspector Azad Singh, it is stated that he got an information that a fake call centre is being run and on

receiving such information, he raided the premises, where it was found that some boys and girls, wearing ear phones/head phones in their ears, were talking to other people in English language. The photographs and videos of the boys and girls, who were working in the said call centre, were taken and on inquiry, they disclosed that owners of the centre are one Jigar Parmar, Bhola, Deepak and Maulik, who were not present at the spot.

Learned counsel for the petitioners further submits that the petitioners were the employees of the said call centre and they are the first offenders and in judicial custody for the last more than 08 months. It is further submitted that challan has been presented and the petitioners are no more required for any further custodial investigation.

Learned State counsel has filed the custody certificate and has not disputed the factual position. She submits that challan has been presented, however, charges have not been framed so far.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has further submitted that even against the petitioner, the allegations are identical that she was found present in the call centre along with the aforesaid co-accused. It is also submitted that the petitioner is in custody for the last 09 months and 25 days, the offences are triable by the Court of Magistrate and the petitioner is not involved in any other case. Lastly, it is submitted that till date, even charges have not been framed.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case,

considering the fact that the petitioner is in custody for the last 09 months and 25 days; the offences are triable by the Court of Magistrate; till date, even charges have not been framed; the co-accused of the petitioner are already released on bail; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.04.2022
yakub

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