

CRM-M-48756 of 2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-48756 of 2022

Date of Decision: October 28, 2022

Ashish Tiwari and others

...Petitioners

Versus

State of UT

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ashdeep Singh, Advocate
for the petitioners.

Mr. Charanjit Bakshi, Additional PP, UT, Chandigarh.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in respect of FIR No.20 dated 16.08.2022, under Sections 419, 420, 120-B, 467, 468 and 471 of IPC, registered at Police Station Cyber Crime, Chandigarh.

Learned counsel submits that petitioners No.1 to 3 were arrested on 17.08.2022 whereas petitioner No.4 was arrested on 20.08.2022. He submits that there is a compromise that has been arrived at between the parties for which reference is made to Annexure P-3, in particular to para 1 thereof which reads thus:-

“That I have received entire amount of Rs.9,24,000/- from the account of Heera w/o Shaunu Kumar @ Sonu Kumar @ Sonu Shrivastva through RTGS on 01.09.2022.”

He further submits that challan in the case has already been filed on 14.10.2022 and there are 14 witnesses and charges are yet to be

framed.

Contrarily learned counsel for UT submits that challan has already been filed. He is unable to controvert the fact that the compromise between the parties has been arrived at.

Learned counsel for the complainant also affirms the factum of compromise and receipt of the amount mentioned in para 1 thereof.

In view of the aforesaid facts and circumstances in particular that petitioners No.1 to 3 have been in custody since 17.08.2022 whereas petitioner No.4 has been in custody since 20.08.2022 and that compromise having been arrived at between the parties; charges are yet to be framed; trial is likely to take some time, their further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

- “1. The petitioners will not tamper with the evidence during the trial.*
- 2. The petitioners will not pressurize/ intimidate the prosecution witnesses.*
- 3. The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- 4. The petitioners shall not commit an offence similar to the offence of which, they are an accused, or for commission of which they are suspected of.*
- 5. The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the*

case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

6. The petitioners 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 purpose 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.

October 28, 2022
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(AMAN CHAUDHARY)
JUDGE

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