

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-51983-2021 (O&M)

Date of Decision:- 27.4.2022

Sitesh Gopalbhai

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-5519-2022 (O&M)

Mustafa Imtiaz Kaparia

... Petitioner

Versus

State of Haryana

... Respondent

(III)

CRM-M-5567-2022 (O&M)

Himanshu Tyagi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Mamli, Advocate, for the petitioner(s)
in CRM-M-51983-2021 and CRM-M-5519-2022.

Mr. Rishi Kapoor, Advocate, for
Mr. Himmat Singh, Advocate, for the petitioner
in CRM-M-5567-2022.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by Inspector Rajpal.

Mr. V.B.Godara, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Sitesh Gopalbhai, Mustafa Imtiaz Kaparia and Himanshu Tyagi, seek grant of regular bail in a case registered vide FIR No. 07, dated 9.8.2021, Police Station Cyber Crime, District Hisar, under Sections 406, 420, 467, 468, 471, 201, 120-B IPC and Section 66-D of Information Technology Act, 2000.
2. The petitioners alongwith co-accused Nitesh Khawani are being prosecuted for having defrauded the complainant of an amount of Rs.93,000/- by way of committing a cyber fraud.
3. Learned counsel for the petitioners have submitted that they have falsely been implicated in the present case and are nowhere named in the FIR. It has further been submitted that the petitioners have been behind bars since the last more than 8 months and that challan already stands presented. It has also been informed that co-accused Nitesh Khawani already stands released on bail vide order dated 23.2.2022 passed in CRM-M-49872-2021. Learned counsel for the petitioners have further submitted that the matter has been compromised amongst the parties and a petition for quashing of the instant FIR has already been filed in this Court.

4. Learned State counsel while opposing the petitions has submitted that since the petitioners came to be nominated on the basis of statement of Hiren Kishore Bhai who has stated that all the accused had been extended the facility of internet through him, the complicity of the petitioners are clearly evident.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioners have been behind bars for a substantial period of 8 months and the matter otherwise is stated to be compromised and that an identically situated co-accused had already been released on bail, further detention of the petitioners is not justified. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on the file of each connected case.

27.4.2022

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No