

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(222)

CRM-M-53790-2022

Date of decision: - 24.11.2022

Rajat Arora

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Mr. Vishal Malik, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 439 Cr.P.C. to grant regular bail to the petitioner in FIR No.46 dated 14.08.2022, registered under Sections 419 and 420 & 120-B IPC & Section 66(D) of The Information and Technology Act, 2000 (Section 120-B IPC has been added later on), at Police Station Cyber Crime, District Gurugram.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 20.08.2022 and the investigation is complete and the challan has been presented and there are 11 prosecution witnesses, out of whom none have been examined, thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and the present case is triable by the magistrate. It is also submitted that the mobile number which has been mentioned in the FIR

does not belong to the present petitioner.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that it is one Bhanu Makkar, who is the main accused in the present case and he had purchased some Croma gift cards, which were forwarded on the whatsapp number of the present petitioner and the present petitioner from that money had purchased three mobile phones through online shopping and thereafter, had sold them in the market, thus, the present petitioner is connected with the alleged offences.

Learned counsel for the petitioner, in rebuttal, has submitted that the said Bhanu Makkar has applied for anticipatory bail and a Co-ordinate Bench of this Court was pleased to issue notice of motion and has also been granted interim protection, vide order dated 04.10.2022, passed in CRM-M-46423-2022.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 20.08.2022 and the investigation is complete and the challan has been presented and there are 11 prosecution witnesses, out of whom none have been examined, thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. It is not disputed that the mobile number which had been mentioned in the FIR does not belong to the present petitioner. Moreover, the case is triable by the magistrate.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on

bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

November 24, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No