

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

CRM-M-57721-2022
Date of decision : 15.12.2022

ROHIT DHINGRA

....Petitioner

Versus

STATE OF UT CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Suryakant Gautam, Advocate
 for the petitioner.

 Mr. Ankur Bali, Addl. Public Prosecutor, U.T., Chandigarh.

PANKAJ JAIN, J. (ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.53 dated 10.10.2022 registered for the offences punishable under Sections 120-B/419/420 IPC, PS Cyber Crime, Chandigarh.

2. As per the allegations levelled in the FIR, the petitioner is alleged to have duped the supplier by misusing e-purchase portal. The *modus operandi* that has been attributed to the petitioner is that he along with his co-accused used to place orders online and, thereafter, used to return the articles by replacing them with cheaper one and thereby causing loss to the supplier.

3. Ld. Counsel for the petitioner submits that there is no direct evidence against the petitioner. Petitioner is in custody since 17th of October, 2022. Challan stands presented and, thus, no useful purpose will be served by keeping the petitioner in custody. There is no recovery

required to be made from the petitioner which will warrant his custody and trite it is that the custody pending trial cannot be used as a measure of punishment.

4. Ld. Addl. Public Prosecutor is not in position to dispute the factual assertions based on record. However, he asserts that there are serious allegations levelled against the petitioner. Two articles supplied by the complainant have been recovered from the possession of the petitioner. However, he is not in position to dispute the fact that there is no recovery required to be made from the petitioner which will warrant continuation of his custody.

5. I have heard counsel for the parties and have gone through the records of the case.

6. Without commenting on the merits of the case, keeping in view the period of incarceration suffered by the petitioner and the fact that the challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 15, 2022

Dpr

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No