

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

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CRM-M-9661-2023

Date of Decision: 18th May, 2023

Parmod Devgan @ Ashu

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Keshav Pratap Singh, Advocate with
Mr. Rajat Singh, Advocate for the petitioner.
Mr. Sharad Aggarwal, Deputy Advocate General, Haryana.
Mr. B.S. Mamli, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. This fourth petition is filed seeking regular bail in case of FIR No. 04 dated 10.06.2021 under Sections 406, 420, 467, 468, 471, 120-B, 201 IPC, 1860 and Section 66-D of Information Technology Act, 2008 (for short 'the Act') (Sections 467, 468, 471, 120-B IPC, 201 IPC, 1860 and Section 66-D of the Act added later on), registered at Police Station Cyber Crime, Hisar Circle, District Hisar.
2. First petition was dismissed as withdrawn with liberty to file afresh with better particulars, second and third petitions were dismissed as withdrawn with liberty to revive the prayer at later stage.
3. Learned counsel for the petitioner claims parity with co-accused Abhishek Kumar who was granted regular bail by this court on 19.12.2022 in CRM-M-51781-2022.
4. On 19.12.2022, the following order was passed :-

“Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Abhishek Kumar, who has been booked for having committed the offences punishable under Sections 406, 420, 467, 468, 471, 120-B, 201 IPC and Section 66 D of IT Act, in FIR No. 04 dated

10.06.2021, registered at Police Station Cyber Crime, District Hisar.

On oral request of learned counsel for the petitioner complainant- Dharambir s/o Sh. Raj Kumar having Adhaar Card No. 825834014971, r/o VPO Rampura, Tehsil Hansi, District Hisar, is impleaded as respondent No. 2 in the present petition.

Amended memo of parties has been produced by learned counsel for the petitioner in the Court today itself and same is taken on record. Registry is directed to tag the same at appropriate place.

At this stage, Mr. Lovish Rattan, Advocate, appears along with newly added-respondent No. 2/complainant and files his vakalatnama on behalf of respondent No. 2/complainant. He submits that dispute between the parties in regard to amount of Rs.15,000/- has been resolved amicably amongst parties. Learned counsel for respondent No. 2 as well as respondent No. 2 stated that complainant has no objection, if petitioner is granted bail by this Court.

In support of said submission, respondent No. 2 has also filed his affidavit dated 19.12.2022 and same is taken on record. Registry is directed to tag the same at appropriate place.

Per contra, Mr. Vikas Bhardwaj, AAG, Haryana, has produced custody certificate dated 19.12.2022 and same is taken on record. He submits that as per said custody certificate, petitioner has already undergone 04 months and 09 days of total period of sentence.

In view of the aforementioned statement made by complainant, learned State counsel does not raise any serious objection for the purpose of granting of bail to the petitioner.

I have considered the submissions of both the sides, and perused the material available on record with their able assistance.

In view of the stand of the parties mentioned hereabove and in more specific giving of no objection by learned State counsel and filing of affidavit by respondent No. 2, this Court is of the view that the petitioner should be granted bail.

In view of the aforementioned facts and circumstances of the case and the submissions recorded hereabove, present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be

construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

Disposed of.”

5. Learned counsel for the State though opposes the prayer for grant of bail, he is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

6. Learned counsel for respondent No.-2/complainant has no objection if bail is granted to the petitioner.

7. Without commenting on the merits of the case, considering conclusion of trial is likely to take time and on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. The petition is allowed.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. Since the main case has been allowed, the pending application(s), if any is rendered infructuous.

**(AVNEESH JHINGAN)
JUDGE**

18th May, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No