

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-5347-2023

Date of decision: 12.04.2023

SANJAY KUMAR GAUTAM

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Nirmal Singh, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 372 dated 29.07.2022 , under Sections 387 and 506 IPC (Section 120 IPC and Section 66 of the IT Act added later on) registered at Police Station Sector- 27, Sonipat, District Sonipat.

Learned counsel contends that the petitioner has been in custody for the last 7 months. The allegations against the petitioner is of facilitating in opening of the bank accounts, however, he is not a beneficiary. There are 27 prosecution witnesses out of whom only one witness has been examined. The offences are triable by Magistrate. He is not involved in any other case.

Custody certificate filed by the learned State counsel is taken on record as per which the petitioner has been in custody for the last 7 months and 1 day.

Learned State counsel opposes the bail on the ground that the petitioner was a part of the group which committed online fraud and he had facilitated in

opening of the bank accounts, wherein amount was transferred and passbook of that account has been recovered from the petitioner. However, he is unable to controvert the other submissions with regard to the stage of the trial and petitioner not being involved in any other case.

Heard.

In view of the facts and circumstances of the case and in particular that the petitioner has been in custody for the last 7 months and 1 day; he is not involved in any other case; only one out of 27 prosecution witnesses have been examined; it is a case of Magisterial trial, which is likely to take considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

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

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

- 6. The petitioner shall not in any manner misuse his liberty.
- 7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- 8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.

It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified 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.

(AMAN CHAUDHARY)
JUDGE

12.04.2023

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