

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9635-2023 and
CRM-M-9693-2023
Date of Decision: 25.04.2023

CRM-M-9635-2023
SHIVAM PETITIONER
VS
STATE OF HARYANA ... RESPONDENT

CRM-M-9693-2023
SURAJ THAKUR PETITIONER
VS
STATE OF HARYANA ... RESPONDENT

CORAM: HON’BLE MR. JUSTICE GURBIR SINGH

Present : Mr. Sanchit Punia, Advocate for the petitioner.
Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J. (ORAL)

Vide this common order, two petitions i.e. CRM-M-9635-2023 and CRM-M-9693-2023 filed by two different persons, shall be disposed of as the FIR involved in both the petitions is the same, arising out of the same occurrence.

These are two petitions under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case bearing FIR No.0003 dated 08.09.2022 under Sections 324, 323, 34 IPC and offence Sections 379, 420, 201 and 120-B of IPC registered at Police Station Cyber Crime, Hansi.

Status report is filed separately in both the petitions and the same are taken on record.

Learned counsel for the petitioner(s) submits that the petitioners of CRM-M-675-2023 and CRM-M-2951-2023, Sunny Singh and Umed, respectively have already been granted regular bail vide order dated 14.02.2023 passed by this Hon'ble Court. The petitioners are also entitled to regular bail on the ground of parity. The petitioner- Shivam was arrested on 14.09.2022 and on his disclosure statement, Suraj Thakur who was nominated and arrested on 17.09.2022. Learned State Counsel has opposed the petitions. He has fairly conceded that the petitioner-Shivam was arrested on 14.09.2022 and Suraj Thakur was arrested on 17.09.2022 and they are in custody since then. A sum of Rs. 2,10,000/- and ATM card were recovered from the petitioner-Shivam and a sum of Rs.2,35,000/- and one mobile phone were recovered from Suraj Thakur and they are not entitled to bail.

Heard.

The entire case is based on the documentary evidence. There is no explanation on the part of complainant as to how the amount was transferred from his account after the registration of FIR dated 08.09.2022. It is debatable if the person would give a sum of Rs.25,00,000/- for securing loan of Rs.30 lacs. The challan has already been presented. The completion of trial will also take a long time to decide the culpability of the petitioner(s), no useful purpose would be served by keeping the petitioner(s) behind bars for a long period. The petitioners are also entitled to bail on the ground of parity with co-accused.

Accordingly, without commenting upon the merits of the case, both the petitions are allowed and the petitioner(s) are directed to be released

on regular bail, on their furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case. If the petitioners indulge in the commission of any offence while on bail, the State would be at liberty to move an application for cancellation of his bail granted vide this order.

A photocopy of this order be placed on the file of other connected case.

25.04.2023
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Whether speaking/reasoned

Whether reportable

(GURBIR SINGH)

JUDGE

Yes/No

Yes/No