

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

CRM-M-12444-2023

Decided on:-09.06.2023

Harsh Kumar

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashit Malik, Advocate,
for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana assisted by
Inspector Rajiv Kumar.

HARKESH MANUJA J.

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of bail pending trial in case FIR No.03 dated 29.09.2022, under Sections 419, 420, 467, 468, 471, 120-B IPC and Sections 66-C & 66-D of the Information Technology (Amended) Act 2008, registered at Police Station Cyber Crime, Kurukshetra. Haryana.

2. The allegations levelled against the petitioner are that he in collusion with other co-accused duped the complainant for a sum of Rs.1.5 Lakh through an online fraud.

3. Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* on 27.12.2022, so far, even the charges have not been framed and the trial is thus, likely to take some time. Even otherwise, co-accused of the petitioner

namely, Altaf Paniyar has already been granted the concession of regular by this Court vide order dated 01.06.2023 passed in CRM-M-26996-2023.

4. On the other hand, learned State counsel vehemently opposes the prayer made herein while submitting that petitioner is part of a gang which commits online frauds and the petitioner was instrumental in providing forged Aadhar Cards to the other accomplices for the purpose of opening different bank accounts and the amount was deposited/transferred in his account.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

6. The investigation in the present case already stands concluded with the filing of *challan* in the month of December, 2022, however, so far charges have not been framed and the trial is likely to take some time. Besides it, as per learned counsel for the petitioner, in order to show his *bona fide*, the petitioner even volunteers to deposit Rs.25,000/- with the trial Court at the time of his release, thus, I do not see any reason to extend his incarceration any further, particularly when his co-accused-Altaf Paniyar has already been granted the concession of regular by this Court vide order dated 01.06.2023 passed in CRM-M-26996-2023.

7. Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The aforesaid amount of Rs.25,000/- which shall be deposited by the petitioner be disbursed in

favour of the complainant after verification. However, in case, the petitioner is found involved in any other case of similar nature in future, the prosecution shall be at liberty to seek cancellation of his bail.

09.06.2023
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(HARKESH MANUJA)
JUDGE

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