

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

232

CRM-M-14891-2023 (O&M)

Date of decision: 29.03.2023

ABDULA ALIAS RAJA BHAIYA

....Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Govind Chauhan, 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.46 dated 19.10.2021, under Sections 419, 420, 467, 468, 471 IPC and Sections 66-C, 66-D of IT Act, registered at Police Station Cyber Crime, Karnal.

Learned counsel contends that the petitioner is in custody for the last 9 months having been arrested on 27.06.2022. He was not named in the FIR, however, it is on the disclosure statement of the co-accused Aman that his name had surfaced, wherein, also there is no attribution to the petitioner. He is not even beneficiary of the amount. Even otherwise, the matter stands compromised between the parties on 29.08.2022 and an affidavit has also been filed by the complainant dated 11.10.2022, Annexure P-2. Co-accused Pankaj, who was also similar situated, has been granted regular bail by this Court vide order dated 21.02.2023. Though the petitioner is involved in other cases, however, he is on bail except in one case. Out of 14 witnesses, only 2 have been examined.

Mr. Vishal Pundir, Advocate appears on behalf of complainant and files his power of attorney. The same is taken on record. He affirms the aforesaid factum of compromise as also the affidavit of the complainant (Annexure P-2) and has no objection, in case the bail is granted to the petitioner as no grievance subsists.

Learned State counsel opposes the bail on the ground that the antecedents of the petitioner are not clear. He is however unable to controvert the submissions with regard to custody, stage of trial and the bail having been granted to the co-accused.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 9 months; co-accused Pankaj has already been granted regular bail; the matter stands compromised between the parties; out of 14 witnesses, only 2 have been examined, 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 him 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, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made abundantly clear that in case there is any breach of the aforesaid conditions and in case the petitioners commit similar offence in future, the State shall be at liberty to seek cancellation of bail as granted to the petitioners 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

March 29, 2023

M.Kamra

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