

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-18060-2023
Date of decision: 21.04.2023

RAHUL

....Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

AMAN CHAUDHARY. J.

Present is the second petition which 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 and 66-D of IT Act registered at Police Station Cybercrime, District Karnal.

Learned counsel contends that the petitioner has been in custody for the last about 10 months, having been arrested on 27.06.2022. He was not named in the FIR. Co-accused Pankaj in his disclosure statement had implicated the petitioner, ascribing him the role of providing the data regarding the phone numbers and the account details. The matter stands compromised with the complainant vide memorandum of understanding dated 29.08.2022 (Annexure P-3). Co-accused Pankaj has already been granted bail by this Court vide order

dated 21.02.2023. Though, charges were framed on 11.10.2022, however, only 2 out of 14 prosecution witnesses have been examined. The cases in which the petitioner is involved, he is on bail. In this regard he relies on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

Learned State counsel opposes the bail on the ground that the petitioner is involved in four other similar cases. However, he is unable to controvert the other submissions with regard to the stage of the trial and co-accused having been granted regular bail.

Heard.

Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (*Supra*) has held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

In view of the facts and circumstances of the case, the observations made in aforesaid judgment, and that the petitioner has been in custody for the last 9 months and 24 days; he was not named in the FIR and came to be involved on the basis of a disclosure statement of co-accused, who has already been granted regular bail; the matter stands compromised between the parties; charges have been framed, however, only 2 out of 14 prosecution witnesses have yet been examined; the trial 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, he does not have the passport, he 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

21.04.2023

<i>Mehak</i>	<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
	<i>Whether reportable</i>	:	<i>Yes/No</i>