

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206)

CRM-M-18219-2023
Date of decision:- 15.12.2023

Aslam

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Surinder Mohan Sharma, Advocate for the petitioner.
Mr. Munish Sharma, DAG, Haryana for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
0028	21.10.2022	Cyber Crime, District Rewari	379, 406, 420, 471 and 120-B, IPC

2. FIR, Annexure P-1, has been registered on the complaint of Priyanka Yadav alleging that on 12.10.2022, she received a phone call and the caller claimed himself to be an acquaintance. He won her confidence and after an initial transaction, whereby Rs.5/- were transferred electronically, he fraudulently transferred an amount of Rs.1.92 lacs from her bank account. Realizing that she had been duped, she submitted a complaint.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated. He has referred to the testimony of the complainant, PW-1, to urge that she has denied submitting any complaint to the police and she has also failed to identify the petitioner. He submits that the star prosecution witness has been declared to be hostile. He asserts that the petitioner, who has clean antecedents and is in custody since 21.01.2023,

deserves to be enlarged on bail as the trial is likely to take time to conclude.

4. *Per contra*, State counsel, upon instructions from ASI, Govind, has opposed the petition and has submitted that the recovery of the swindled amount has been effected from the petitioner. It is his argument that even though the complainant has been declared to be hostile, but her testimony cannot be discarded and can be read into evidence to the extent she has supported the case of the prosecution. As per his instructions, one out of ten prosecution witnesses have been examined.

5. Having heard counsel for the parties and considering their respective submissions, this Court is *prima facie* of the view that the petitioner has made out a case for grant of bail. Petitioner has an unblemished past, he is in custody for the last more than ten months, the most vital prosecution witness has been examined and there is a remote possibility of an early conclusion of the trial. In view of these factors, petitioner deserves to be enlarged on bail.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

15.12.2023

(SUVIR SEHGAL)

Kamal

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No