

CRM-M-25330-2023

2023:PHHC:083058

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-25330-2023

Date of decision : 03.07.2023

Aman

.....Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Parshant Sethi, Advocate for the petitioner

Mr.Dhruv Sihag, AAG, Haryana

AMAN CHAUDHARY, J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.46 dated 19.10.2021, registered under Sections 419, 420, 467, 468, 471 IPC and Sections 66C, 66D of IT Act, at Police Station Cyber Crime, Karnal.

2. Learned counsel contends that the petitioner is in custody since 27.05.2022. He has been falsely implicated in the present case. There is a compromise having been arrived at between the complainant and the other co-accused, who have already been granted regular bail by this Court vide Annexures P-3, P-4 and P-5. The complainant has been examined and he did not support the prosecution case. It is a case of Magisterial trial. Out of 14 prosecution witnesses, four have been examined including the complainant, who has turned hostile. There are two more cases against the petitioner, in which he is on bail. In this regard, reliance is placed on the judgment of Hon'ble The Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that there are serious allegation of cheating against the petitioner, as an amount of Rs.91,000/- is involved. He is however unable to controvert the submissions regarding the stage of the case, period of custody, co-accused have already been released on bail and the petitioner being on bail in two other cases.

4. Heard.

5. Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (Supra) had 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."

6. In view of the afore-referred judgment and facts and circumstances of the case, in particular that the petitioner is in custody for the last more than one year, co-accused have already been granted bail, it is a case of Magisterial trial, out of 14 prosecution witnesses, only 4 have been examined so far, the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

7. 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.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein 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.

03.07.2023
gsv

(AMAN CHAUDHARY)
JUDGE

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