

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-25493-2023

Date of decision: 28.08.2023

Haarish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arjun Dhingra, Advocate for
Mr. Sanyam Khetarpal, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0004 dated 16.01.2023 for the offences under Sections 419, 420 IPC and sections 67(C)/66(D) of the I.T. Act, 2000 (Section 120- B/201 IPC added later on) registered at Police Station Cyber Crime, District Nuh (Haryana).

2. On 18.05.2023, learned counsel for the petitioner has made the following submissions:-

“Learned counsel inter alia contends that the petitioner was falsely implicated in the case in hand on the basis of disclosure statement allegedly suffered by co-accused Jafar Sharif nominating him as his accomplice in the crime in question. Learned counsel submits that as per prosecution case, all the accused after calling up the complainant on his mobile phone, played a fraud upon him and got an amount of ₹40,028/- and ₹20,001/- deducted from his bank account by sending him an OTP, and thereafter, the amount was transferred into the accounts of different accused, however, there was no material from which the petitioner could be linked to the crime in question. Learned counsel further submits that the delay of four months in lodging of the FIR further lends credence

to a false and fabricated case having been planted upon the petitioner, more so, when the petitioner is not involved in any other criminal case of similar nature.”

3. On 01.06.2023, this Court had granted the interim bail to the petitioner and asked him to join investigation.

4. Learned counsel for the petitioner submits that in compliance of order dated 01.06.2023, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions from Inspector Vimal Kumar, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. She, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 01.06.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

28.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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