

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-28389-2023 (O&M)

Date of decision: 04.07.2023

Sonveer Rathore @ Sonu

....Petitioner

Versus

State of Haryana And Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Govind Chauhan, Advocate for the petitioner

Mr. Praveen Bhadu, AAG Haryana

Mr. Vishal Pundir, Advocate for respondent No.2

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 I.T. Act, at Police Station Cyber Crime, Karnal.

2. Learned counsel contends that the petitioner is in custody for more than 1 year. His name surfaced based on disclosure statement of co-accused Aman, who was the beneficiary of the amount as the same was transferred in his account and the same is inadmissible as per the judgment passed by Hon'ble The Supreme Court of India in the case of **Tofan Singh vs. State of Tamil Nadu**, 2021 (1) RCR (Crl.) 1. There is a compromise that has been effected between the parties on 11.10.2022, Annexure P-2. Only 4 out of 14 prosecution witnesses have been examined. Co-accused Pankaj and Abdula alias Raja Bhaiya have been granted regular bail after being in custody for almost 9 months vide Annexures P-

5 and P-6. The petitioner is involved in 5 more cases, 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 the petitioner is a habitual offender. He is however unable to controvert the submissions with regard to custody, stage of the case, co-accused have been granted bail and the petitioner is on bail in the other cases registered against him.

4. Learned counsel for the complainant-respondent No.2 affirms the factum of compromise effected between them.

5. Heard.

6. Hon'ble The Supreme Court 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." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for more than 1 year; disclosure statement in the basis of involvement of the petitioner; is on bail in the other cases registered against him; co-accused having already been granted bail; the matter stands compromised between the parties; out of 14 prosecution witnesses, only 4 have yet been

examined, 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.

8. 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 not leave the country without prior permission of the trial Court.
9. The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. 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.

10. 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

an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

July 04, 2023

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No