

CRM-M-29957-2023

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**217-6 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29957-2023

Date of Decision: 01.08.2023

Kapish @ Walia

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Monty Goyal, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab,
for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.302 dated 17.12.2022 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, (Section 467, 468 and 471 IPC were deleted later on) and Sections 66-C and 66-D of the Information and Technology (Amendments) Act, 2008, at Police Station Division No.8, Police Commissionerate Ludhiana, District Ludhiana.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as such. Even as per the story of the prosecution, the petitioner is an employee and working in the alleged call centre being run by co-accused Ankush Bassi. The said Ankush Bassi has already been granted concession of bail pending trial. There is no other case against the petitioner. The petitioner is in custody since 17.12.2022. Challan has

already been presented, therefore, the petitioner is not required for further investigation purposes. Hence, the petitioner deserves to be granted concession of bail pending trial.

On the other hand, learned counsel for the State, being instructed by ASI Avtar Singh, has submitted that the petitioner is involved in an illegal activity of fleecing the public to an extreme extent. In fact, the police had collected more than 1.5 lakhs pages of the illegal activity of the firm in which the petitioner is working. He was indulging in Bit-Coin trade and 'phishing' activities making the people to lose their money on account of fraud of the petitioner. However, it is not disputed that the main accused Ankush Bassi has already been released on regular bail and that the challan has already been presented, therefore, the petitioner is not required for any investigation purposes. It is also not disputed that the petitioner is in custody since 17.12.2022 and that there is no other case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

01.08.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No