

CRM-M-30745-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30745-2023 (O&M)

Date of decision: July 06, 2023

Sanjeet Kumar Gupta

...Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Sherry K. Singla, Advocate for petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

ARUN MONGA, J. (ORAL)**CRM-27174-2023**

For the reasons stated in application, same is allowed. Affidavit dated 24.06.2023 (Annexure P-3) of complainant, namely Preeti Juhar is taken on record, subject to all just exceptions.

Main case (O&M)

Petitioner, stated to be 22-year old young boy, seeks bail in criminal case bearing FIR No.16 dated 07.03.2023, registered under Sections 419, 420 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Cyber Crime, Yamuna Nagar.

2. Per prosecution version, an FIR was registered at the behest of complainant, namely Preeti Johar alleging that accused persons duped her with Rs.4,54,896/- while deducting the said amount from her bank account.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the case. No offence of whatsoever kind has been made out against him. He also submits that during pendency of present proceedings, matter has been compromised with the complainant and she has tendered her affidavit

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(Annexure P-3), in this regard, stating that she has no objection if bail is granted to the petitioner. There is no other case pending against the petitioner.

4. On the other hand, learned State counsel, on instructions from police official, opposes the bail petition. Although he does not deny the factum of aforesaid compromise arrived at between the petitioner and complainant.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. It transpires that, matter has indeed been compromised between petitioner and the complainant and an affidavit dated 24.06.2023 has also been placed on record in this regard. Perusal of the same reveals that complainant has stated that she has no objection, if bail is granted to the accused/ petitioner.

7. Petitioner is in custody since 19.03.2023. Trial is still likely to take long time. Whereas, petitioner has already been languishing in jail for the past more than 3 months. He is stated to be 22-year old young boy.

8. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

11. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the

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limited purpose of bail of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 06, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No