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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-37244 OF 2023 (O&M)
DATE OF DECISION: 16.08.2023**

Sahil Sanjiv Poddar**...Petitioner****Versus****State of Haryana****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Pankaj Bali, Advocate,
For the petitioner.

Mr. Karan Garg, AAG, Haryana.

ARUN MONGA, J. (ORAL)

After being declined bail by the trial Court, petitioner before this Court seeks his release as an undertrial in a case bearing FIR No.2 dated 01.08.2022 (Annexure P-1) registered under Sections 120-B, 420, 467, 468, 471 of Indian Penal Code (for short "IPC") and Sections 66-C and 66-D of Information Technology Act, 2000 (for short "IT Act") at Police Station, Cyber Crime Sonipat.

2. Per prosecution version, a complaint was received from Senior General Manager of ECE Industries in Cyber Police Station, Sector-23, Sonipat, stating that company is manufacturing power transformers and having current account No.01060500000002 in Bank of Boroda, Gurudwara Road, Sonipat. This account is linked with phone No.7082210528 belonging to Senior Accountant Jai Kishan Bhatt and he used to deal with internet banking. On 01.08.2022, in the evening at about 5:58 pm, he received a call from Jai Kishan who informed him about messages received regarding debit of Rs.10 lakh- Rs.10 lakh received on phone and asked whether any such transaction has been made by the company and if not, the account be blocked immediately. When Jai Kishan tried to login the account net banking he was unable to login. In all 16 transactions in the company's account worth Rs.1 Crore 89 lakh were done by some fraudster by way of online transfer. On the basis of complaint, an FIR was

registered. Investigation was carried out. Accused were arrested. An amount of commission of Rs.6 Lakh was found in the account of petitioner, who had transferred the same to his relatives.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He was not named in the FIR. He further submits that neither any overt act has been attributed to him, nor there is any cogent evidence to connect the petitioner with the crime in question. Petitioner is in custody since 17.09.2022.

3.1. Learned counsel for the petitioner further submits that he does not press his prayer seeking regular bail at this stage and prays that petitioner may be released on interim bail on medical grounds.

3.2. Learned counsel further submits that petitioner is suffering from Color Doppler left lower limb arterial and venous system from last one year and is under treatment. Petitioner has become handicapped because his left foot is not working and even right foot has also get affected. The doctor has advised hip replacement and if the same is not done immediately, there is every possibility of petitioner becoming permanently disabled/paralysed.

4. Pursuant to previous court order dated 04.08.2023, learned State counsel has tendered status report dated 14.08.2023 which is taken on record. Learned State counsel opposes the prayer made by learned counsel for petitioner for releasing the petitioner on interim bail and submits that Ortho specialist has advised operation which is not an emergency surgery and petitioner is getting regular treatment from jail. He further submits that the surgery/treatment is available in General Hospital, Karnal and Kalpna Chawla Government Medical College and Hospital, Karnal.

4.1. Learned State counsel further submits that petitioner is also involved in another FIR of similar nature and there is every likelihood that he will flee from Court proceedings and/or influence or intimidate the witnesses, if released on bail.

4.2. In rebuttal, learned counsel for petitioner submits that petitioner is on bail in that case.

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

6. On a Court query, learned State counsel submits that challan has already been presented. Investigation is complete *qua* petitioner, he is thus not required for custodial interrogation. Whereas, petitioner has already been languishing in jail for the last about 11 months in preventive custody, being behind bars since 17.09.2022.

7. Petitioner is stated to be 43-year old person, who is undergoing treatment at Jail Hospital for pain in both lower limbs and has been advised surgery, it is unlikely that he is flight risk or will flee from the trial proceedings.

8. Considering the overall scenario and, the fact that petitioner was advised with uncemented total hip replacement by Ortho Specialist doctor at Jail hospital and he thus indeed needs surgery, without commenting on the merits of the case, the prayer for interim bail is allowed. I am of the view that petitioner has got fundamental right to seek medical treatment in a private hospital of his own choice, notwithstanding that treatment may be available in the Government hospital.

9. Accordingly, petitioner is ordered to be released on interim bail for a period of three months on medical grounds, 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. He shall surrender before the concerned Court after completion of three months from the date of his release. The dates of release and surrender to be determined by the releasing Court.

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 limited purpose 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.
- 13. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

August 16, 2023
shalini

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