

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

216

2023:PHHC:089510

CRM-M No.40758 of 2022
Date of decision: July 17th, 2023

Naresh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Amrita Garg, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.139 dated 07.07.2021 lodged under Sections 65 (66C and 66D added later on) of I.T. Act, Section 420 (467, 468, 471 and 120-B added later on) of the Indian Penal Code, 1860 at Police Station Sadar, Tohana.

2. Learned counsel for the petitioner, *inter alia*, contends that as per allegations leveled in the FIR which was registered against unknown persons, after hacking the online portal of Primary Health Centre, Kulan, some persons had allegedly prepared forged birth and death certificates. Learned counsel while drawing the attention of this Court to the FIR in question, *inter alia*, contends that a perusal of the same reveals that the petitioner was neither named in the FIR in question nor any role attributed to him therein. Rather he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by his brother co-accused

Suresh Kumar. Learned counsel submits that such disclosure statement does not have much evidentiary value and also lends credence to the false implication of the petitioner more so since it was a matter of record that he was not involved in any other criminal case much less a case of similar nature. Learned counsel submits that admittedly the petitioner along with his brother co-accused Suresh Kumar was running a common service centre, however, there was no material on record collected by the investigating agency to connect him with the co-accused Nirbhaya alias Nirbhay Partap Yadav, Gaurav Gupta and Gobind Kumar @ Buntty Kumar, who allegedly hacked the online portal. Learned counsel, thus, prays that since investigation is complete and the trial shall take considerable time to conclude as only six witnesses out of 55 prosecution witnesses stand examined, further incarceration of the petitioner will serve no useful purpose.

2. *Per contra*, learned State counsel while opposing the prayer, has submitted on instructions that no doubt the petitioner was not named in the FIR in question, however, the common service centre which was hacked and used to prepare forged birth and death certificates was in the name of the petitioner. It is submitted that recovery of ₹2400/- along with a mobile phone containing two different SIM cards was also effected from the petitioner, which were being used by him for preparing forged birth and death certificates.

3. I have heard learned counsel for the parties and perused the relevant material on record.

4. The petitioner has been in custody for more than a year having been arrested on 22.04.2022. The case in hand rests on

documentary evidence and as also not controverted by learned State counsel, the petitioner is not involved in any other criminal case much less a case of criminal nature and still further, only six prosecution witnesses out of the 55 cited have been examined till date. The trial, thus, is unlikely to conclude in the near future.

5. In the facts and circumstances as enumerated hereinabove coupled with the fact that the name of the petitioner came to be nominated on the basis of a disclosure statement suffered by co-accused Suresh Kumar, this Court deems it fit to extend the concession of bail. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 17th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No