

S. No.246

2023:PHHC:139851

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

CRM-M-40466 of 2023

Date of Decision:02.11.2023

Naveen

.....Petitioner

Vs.

UT, Chandigarh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Harsh Chopra, Advocate for the petitioner.

Mr. Ankur Bali, Addl. PP, UT, Chandigarh.

Mr. Vishal Pundir, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.49 dated 12.05.2023 registered under Sections 419, 420, 120B IPC (later on added Sections 467, 468, 471 IPC) at Police Station Cyber Crime, Chandigarh.

As per allegations, petitioner along with co-accused duped the complainant Puran Singh for an amount of ₹2,20,000/- by offering prizes on online shopping.

It is contended by learned counsel for the petitioner that co-accused Gopal Saha has already been allowed bail by this Court vide order dated 22.08.2023 passed in CRM-M-40161 of 2023, after noticing that matter had already been compromised between the parties. Another co-accused, namely, Punit Singh has also been allowed bail by the Court of learned Additional Sessions Judge, Chandigarh vide order dated 20.09.2023.

Learned counsel appearing for UT, Chandigarh opposed the bail petition by pointing out towards the nature of offence.

Learned counsel for the complainant submits that though the compromise was effected but petitioner did not make payment as promised by him at the time of compromise.

Heard.

Petitioner has already placed on record copy of affidavit dated 07.08.2023 of complainant Puran Singh, which was produced during proceedings of CRM-M-40161 of 2023 pertaining to co-accused Gopal Saha. As per that affidavit, it was stated by complainant Puran Singh that he had compromised the matter with accused Gopal Saha, Suraj Nath, Puneet, Naveen (petitioner herein), Akash and others in the present FIR No.49 dated 12.05.2023 registered under Sections 419, 420, 120-B, 467, 468, 471 IPC at Police Station Cyber Crime, Chandigarh and that he did not want to pursue the said FIR. The said affidavit does not reveal anything to the effect that petitioner or any other accused had to pay any amount to the complainant or that the compromise was subject to any other condition. As it appears that after effecting the compromise with the petitioner and others, complainant has become greedy.

Apart from above, petitioner is in custody since 13.05.2023 i.e. for the last more than five months. Offences in question are triable by the Magistrate. Trial may take time to conclude.

Having regard to the afore-said facts and circumstances, but without commenting on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/ Duty Magistrate concerned.

November 02, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No