

CRM-M-40705-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40705-2023 (O & M)
Date of decision: 21.09.2023

BHARAT KUMAR NIRMAL KUMAR LAKHMANI

...Petitioner

Versus

STATE OF U.T. CHANDIGARH

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anmol Rattan Sidhu, Sr. Advocate with
Ms. Tejaswini, Advocate,
for the petitioner.

Mr. Deepinder Brar, Addl. P.P., U.T. Chandigarh.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case bearing FIR No.33 dated 03.09.2022, registered at Police Station Cyber Crime, District Chandigarh, under Sections 384, 420, 468, 471, 509 and 120-B IPC and Sections 66-D and 67 of the Information Technology Act, 2000 and Section 14 of the Foreigners Act, 1946.

2. The frontal argument of learned Senior Counsel for the petitioner is that co-accused, namely, Daksh Partap Singh, Ayush Aggarwal and Stark (a Chinese national), who are having similar role to the petitioner, have since been granted the concession of bail and, therefore, the same benefit may also be extended to the petitioner. It is further submitted that as many as 21 co-accused have since been granted the concession of bail; that no recovery had been effected from the petitioner;

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that the petitioner has been in custody since 09.05.2023; that the petitioner was not named in the FIR, but rather has been indicted on the disclosure statement of co-accused, who has since been granted the concession of regular bail, as stated above. It is further submitted that challan has been presented and that the prosecution witnesses are yet to be examined.

3. On the other hand, learned Addl. Public Prosecutor for U.T. Chandigarh, while opposing the grant of bail to the petitioner, submits that the petitioner is the main accused; that the petitioner and some other co-accused had got transferred about Rs.500/- crores to China through co-accused Stark, and that the prosecution witnesses are yet to be examined.

4. I have heard the learned counsel for the parties.

5. The petitioner claims bail on the ground of parity. The principle of parity is to be applied in granting bail to an accused, where co-accused has been bailed out on similar set of circumstances. In the present case, it transpires that case of the petitioner is identically similar to the co-accused, namely, Daksh Partap Singh, Ayush Aggarwal and Stark, who have already been granted bail. Thus by applying the principle of parity, the petitioner is also entitled to be released on bail.

6. Furthermore, no recovery had been effected from the petitioner. He has been in custody since 09.05.2023. Challan has been presented. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

7. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is

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allowed and the petitioner is ordered to be released on bail on his
furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

21.09.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No