

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

2023:PHHC:057233

CRM-M-43892-2022 (O&M)

Date of Decision: 24.04.2023

SATINDER KUMAR AND ANOTHER ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Govind Mor, Advocate for the petitioners.
Mr. Ranvir Singh Arya, Addl. AG Haryana.
Mr. Gourav Jangra, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

1. The petitioners are seeking regular bail in case bearing FIR No. 13 dated 18.06.2022 under Sections 419, 420, 467, 468, 471, 120-B IPC (later Section 406 IPC added), registered at Police Station Cyber Crime, District Karnal.
2. Custody certificates have been taken on record.
3. Learned counsel for the petitioners contend that precisely the allegations against the petitioners are with regard to the online fraud to the tune of Rs. 1,29,400/-. The petitioners are in custody for a period of about 8 months and 21 days and not involved in any other case. The dispute has been amicably settled between the parties in terms of the compromise, Annexure P-1. A separate petition for quashing the FIR on the basis of the compromise has also been instituted, wherein notice has been issued to the complainant. Furthermore, the offences are triable by the Court of Judicial Magistrate First Class and till date no witness has been examined.
4. Learned State counsel has opposed the bail application on the score that the offences are non-compoundable and there are serious

allegations with regard to commission of online fraud.

5. Mr. Gourav Jangra, Advocate has appeared for respondent No.2/complainant and has not disputed the fact of amicable settlement between the parties.

6. The petitioners are in custody for a period of about 8 months and 21 days and not involved in any other case. The offences are triable by the Court of Judicial Magistrate First Class. The allegations are with regard to the commission of online fraud to the tune of Rs. 1,29,400/-. The dispute has been amicably settled between the parties, in terms of the compromise, Annexure P-1 and a petition for quashing the FIR on the basis of compromise has also been instituted. Moreover, no witness has been examined till date and even otherwise, the conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioners in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioners. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

24.04.2023

Janki

(VIVEK PURI)
JUDGE

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