

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

201

CRM-M-46867-2023

Date of Decision :-18.12.2023

Shivam Singh

..Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Akash Krishna, Advocate and
Mr. Jatin Raheja, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Vishal Sharma, Advocate and
Mr. Arjun Kundra, Advocate for the complainant.

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Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.27 dated 08.05.2021 registered under Sections 420, 467, 468, 471 and 120-B of the IPC and Sections 66 & 66-D of the Information Technology Act at Police Station Cyber Crime, Gurugram, Haryana.

2. Learned counsel for the petitioner submits total 09 accused were roped in the present FIR, out of whom, 06 accused are already on bail and anticipatory bail application of one of the accused is already under consideration before this Court and one of the accused is yet to be arrested.

Learned counsel for the petitioner argues that the allegations, which have

been alleged against the petitioner are yet to be proved and the investigation is already over and charges have already been framed.

3. Learned counsel for the petitioner submits that in the challan, total 27 witnesses have been cited and not even a single witness has been examined so far and as the trial is likely to take some time before it is concluded, no useful purpose will be served by keeping the petitioner behind the bars during the entire period of trial hence, the petitioner may kindly be extended the concession of regular bail.

4. Learned State counsel submits that the petitioner is one, who has been treated as mastermind of the entire incident hence, the grant of bail to him will give a wrong signal.

5. Learned counsel for the complainant submits that the complainant has been duped to the tune of Rs.4.4. Crores in a systematic manner and even as of now, all the accused have not been arrested and petitioner is the one who master minded the act to defraud the complainant and that too to the tune of Rs.4.4. Crores.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. While considering the grant of bail to an accused, certain facts need to be kept in mind, as to whether grant of bail will affect the trial or witnesses in any manner. Further, whether there is any apprehension that the petitioner will abscond the trial. Not only this, the other circumstances whether the other similarly situated accused have been granted concession of bail or not are also to be kept in mind while considering the grant of bail to an accused.

accused are already on bail. Further, the bail granted by the trial Court to the other accused has already been confirmed by this Court as the application seeking cancellation of bail has already been dismissed qua those accused.

9. In the present case, total 29 witnesses have been cited and not even a single witness has been examined so far hence, the trial is likely to take some time before it is concluded. Nothing has been brought before this Court to show that the petitioner will interfere in trial or influence the witnesses in any manner or will abscond the trial, in case he is granted the concession of regular bail. In the absence of any such apprehension shown by the respondents merely that the allegations alleged against the petitioner as that of mastermind of the incident in question, cannot be a ground to decline the benefit of grant of regular bail to the petitioner. Further, only a sum of Rs.20,000/- has been recovered from the petitioner, which has also been disputed by him to be his own money and not tainted as being alleged.

10. Coupled with the facts noticed hereinbefore including the fact that petitioner has suffered incarceration for a period of more than two and a half years already and the learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner, in case he is granted the concession of bail, petitioner has made out a case for the grant of benefit of regular bail. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

11. Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

December 18, 2023

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No