

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

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CRM-M-45816-2023 (O&M)
Date of decision: 19.09.2023

Manjeet Kumar Viswas and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ram Bilas Gupta, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in FIR No.17 dated 28.11.2022, registered under Sections 419, 420, 467, 468, 471, 201 and 120-B IPC (Sections 66-C and 66-D of Information and Technology Act, 2000 added later on), at Police Station Cyber Crime Ballabhgarh, District Faridabad.
2. Learned counsel contends that the petitioners are in custody for about 9 months. They have been falsely implicated in the present case. Their names surfaced based on the disclosure statement of the co-accused, which is inadmissible in evidence. As per the allegations, an amount of Rs.20,09,723/- was fraudulently withdrawn between 04.10.2022 to 06.10.2022 from the account of the complainant, however, the same was returned by the bank itself, in the month of December, 2022, regarding which attention of the Court is drawn to the supplementary statement of

the complainant and challan, Annexures P-2 and P-3, respectively. Charges were framed on 24.07.2023, but only 1 out of 14 prosecution witnesses has been examined. Offences are triable by Magistrate. The petitioners are not involved in any other case.

3. Learned State counsel opposes the bail on the ground that the huge amount of money was fraudulently withdrawn from the account of the complainant. An amount of Rs.6000/- and mobile phone have been recovered from the petitioner-Manjeet Kumar Viswas and Rs.8000/- from petitioner-Dhirender Bishwas. He is however unable to controvert the submissions made regarding the custody, stage of the trial, the petitioners being not involved in any other case, as also the amount withdrawn was credited to the account of the complainant by the bank.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for last almost 9 months; not involved in any other case; recovery had been effected; amount stands credited in the account of complainant by the bank; it is a case of Magisterial trial; though charges have been framed on 24.07.2023, however, out of a total of 14 prosecution witnesses, only 1 has been examined so far; the trial is likely to take a considerable time, thus their further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

6. As a result, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate

concerned and subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are an accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their addresses and mobile numbers to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioners seek to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

8. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would

not be construed as an opinion on the merits of the case and the trial
would proceed independently of the aforesaid observations.

19.09.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No