

CRM-M-50921-2022 (O&M);
CRM-M-52290-2022 (O&M) and
CRM-M-53116-2022 (O&M);

-1- 2023:PHHC:057362

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50921-2022 (O&M)
Date of Decision: 24.04.2023

(I)
Arvinder Singh

....Petitioner(s)

Versus

State of U.T Chandigarh

.....Respondent(s)

CRM-M-52290-2022 (O&M)

(II)
Rohit

....Petitioner(s)

Versus

State of U.T Chandigarh and another

.....Respondent(s)

CRM-M-53116-2022 (O&M)

(III)
Raja Babu

....Petitioner(s)

Versus

State of U.T Chandigarh

.....Respondent(s)

CORAM: HON’BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.S. Barnala, Advocate,
for the petitioner in CRM-M-50921-2022.

Mr. B.S. Randhawa, Advocate for
Mr. Sanjeet Taank, Advocate,
for the petitioner in CRM-M-52290-2022.

Mr. Abhishek Lubana, Advocate,
for the petitioner in CRM-M-53116-2022.

Mr. Amit Kumar Goyal, APP, U.T. Chandigarh.

JASGURPREET SINGH PURI, J. (Oral)

1. All the three petitions are taken up together for final disposal with the consent of learned counsel for the parties since all the three petitions arise out of the same FIR and the prayer in all the three cases is for the grant of regular bail.

2. All the three petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No. 3 dated 02.07.2022, under Sections 406,420 and 120-B IPC, registered at Police Station Cyber Crime, District Chandigarh.

3. All the learned counsels for the petitioners have submitted that all the three petitioners are in custody for the last 10 months and the investigation of the case has been completed and thereafter the challan has been presented before the competent Court on 17.10.2022 and thereafter the charges were framed on 21.10.2022 but no witness has been examined till date. They further submitted that all the petitioners are not involved in any other case and have got clean antecedents and the present is a case which is triable by Magistrate and the allegations against the petitioners are that they in conspiracy with each other had committed a fraud upon the complainant whereby an amount of Rs. 1,00,000/- was transferred in their names on the pretext that a call of a close relative was received from a

foreign country that the amount was required due to some fight which has occurred there only. They submitted that in view of the aforesaid facts and circumstances, all the petitioners may be considered for the grant of regular bail.

4. On the other hand, Mr. Amit Kumar Goyal, learned Additional Public Prosecution, U.T. Chandigarh has submitted that it is correct that the petitioners are in custody for the last 10 months and after the framing of the charges now the matter is fixed for prosecution evidence but no witness has been examined till date and it is also correct that all the three petitioners are not involved in any other case. He has however stated that in case the petitioners are released on bail, then they may flee from justice or may influence the witnesses.

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

6. The present case is triable by Magistrate and the petitioners have already faced incarceration for 10 months and the investigation has already been completed and thereafter the charges have been framed. The petitioners are stated to be not involved in any other case and the alleged subject matter of the present case is Rs. 1,00,000/-. The learned State counsel has taken up an objection that in case the petitioners are released on bail, then they may flee from justice or may influence the witnesses. However, a query was raised to the learned State counsel as to what was the material on the basis of which such a submission was made to which he was not able to reply or justify the same. Therefore, the objection raised by the learned State counsel is not sustainable.

7. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to all the three petitioners.
8. Consequently, all the three petitions are allowed. All the three petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.
9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petitions only.

24.04.2023

rakesh

Whether speaking
Whether reportable

: Yes/No
: Yes/No

(JASGURPREET SINGH PURI)
JUDGE