

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 58594-2022 (O&M)
Date of Decision: 27.02.2023

Christian Nwabu Udemba

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Vikram Rana, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

CRM-5536-2023

The instant application has been filed for placing on record the
the additional document as Annexure P-5.

For the reasons mentioned therein, the application is allowed.

Document as Annexure P-5 is taken on record subject to all just
exceptions.

CRM-M- 58594-2022

Petitioner has prayed for grant of regular bail under Section 439
Cr.P.C. in case FIR No. 01 dated 03.07.2022, under Sections 419, 420, 120-
B, 201 IPC and Section 14-A of Foreigner Act, 1946 registered at Police

Station Cyber Crime Ballabgarh, District Faridabad.

Learned counsel for the petitioner contends that the petitioner is in custody since 04.07.2022. He submits that the petitioner has been falsely implicated in the present case as neither the petitioner has been named in the FIR nor any recovery has been effected from him, who has clean antecedents. He further submits that challan stands presented and the charge have been framed and the complainant stands examined and she has not supported the version of the prosecution and conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from Inspector Naveen, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however, does not dispute the fact that the challan stands presented and the charges have already been framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 04.07.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the challan stands presented and the charges have been framed and the complainant stands examined and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned on the following conditions:-

- 1. *he shall appear before the Court on each and every date of hearing;*
- 2. *he shall not give any threat or intimidation to the prosecution witnesses;*
- 3. *he shall not indulge in any criminal activity;*
- 4. *he shall not leave India without prior permission of the Court and shall submit his passport.*

The Court accepting bonds would ensure that two local sureties who are financially sound having immovable properties within jurisdiction of the district furnish the bonds.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

Petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

27.02.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>