

2023:PHHC:154154
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55817-2023
Date of Decision:04.12.2023

Rupesh Kumar ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr.Pardeep Panwar, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 438 Cr.PC with a prayer to grant anticipatory bail in case FIR No. 17 dated 28.11.2022, registered under Sections 419,420 of IPC (120-B, 201,467,468,471 of IPC and 66-C and 66-D of IT Act added later on) Police Station Cyber Crime Ballabhgarh, District Faridabad.

2. Learned counsel for the petitioner contends that the petitioner has not been named in the present FIR and has been falsely involved only on the basis of suspicion. Learned counsel further contends that the mobile numbers, which have mentioned in the FIR, during the investigation, found belonged to his co-accused. Still further, the police has levelled allegations with regard to the fraudulent withdrawal of an amount of Rs.20,09,723/-between 04.10.2022 to 06.10.2022 from the account of the complainant itself. Learned counsel further contends that the said amount was returned to the complainant by the bank itself in the month of December 2022. He further contends that as per the

prosecution, an amount of Rs.5.49 lacs was deposited in the accounts, which had connection with the present petitioner and without prejudice, to raise his defence before the Trial Court, the petitioner is ready to deposit a sum of Rs.5.49 lacs with the trial Court, just to show his bonafides.

3. On the other hand learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that one more case of similar nature has already been registered against the present petitioner and the petitioner is not entitled to concession of any relief.

4. I have heard learned counsel for the parties and perused the record.

5. At this stage, it has been alleged that the petitioner had received an amount of Rs.5.49 lacs illegally, in the alleged fraudulently withdrawal of money from the bank of the complainant. Even the petitioner has offered to deposit the said amount with the Trial Court, subject to outcome of the trial. Still further, the custodial interrogation of the petitioner at this stage, may not be required .

6. Consequently, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C. The present petitioner shall also abide by the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the

Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned IO/Arresting Officer, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(viii) The petitioner shall report every 1st Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an

application in this regard.

8. The petitioner shall deposit an amount of Rs.5.49 lacs with the Area Magistrate/Trial Court within a period of one month from today, subject to outcome of the trial. The concerned Court is directed to deposit the said amount in a fixed deposit in a nationalized bank for the maximum rate of interest, during the course of trial.

04.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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