

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

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1. CRM-M-56-2023
Date of decision: 09.11.2023

Nirbhaya @ Nirbhay Yadav @ Nirbhay Pratap YadavPetitioner

Versus

State of HaryanaRespondent

2. CRM-M-2005-2023

Shyam Sunder BindPetitioner

Versus

State of HaryanaRespondent

3. CRM-M-723-2023

Gourav Kumar GuptaPetitioner

Versus

State of HaryanaRespondent

4. CRM-M-42587-2023

Suresh KumarPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shalender Mohan, Advocate and
Dr. Purushotam Gaur, Advocate
for the petitioners in CRM-M-56-2023 and
CRM-M-2005-2023.

Ms. Tanu Bedi, Advocate,
Mr. Sumit Kumar, Advocate and
Mr. Robin Sathi, Advocate
for the petitioner in CRM-M-723-2023.

Ms. Amrita Garg, Advocate
for the petitioner in CRM-M-42587-2023.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.139 dated 07.07.2021 under Sections 420, 467, 468, 471 and 120-B of the IPC and Sections 65, 66-C and 66-D of the Information and Technology Act registered at Police Station Sadar Tohana, District Fatehabad.

2. Learned counsel for the petitioners, inter alia, contend that as per allegations leveled in the FIR which was registered against unknown persons, after hacking the online portal of Primary Health Centre, Kulan, some persons had allegedly prepared forged birth and death certificates. Learned counsel while drawing the attention of this Court to the FIR in question, inter alia, contend that a perusal of the same reveals that the petitioners were neither named in the FIR in question nor any role attributed to them therein. Learned counsel submit that co-accused Naresh Kumar has already been extended the concession of bail by this Court vide order dated 17.07.2023. Learned counsel, thus, pray that since investigation is complete and the trial shall take considerable time to conclude as only six witnesses out of 55 prosecution witnesses stand examined, further incarceration of the petitioners will serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioners, on instructions from ASI Amit Kumar, has submitted that no doubt the petitioners were not named in the FIR in question, however, the common service centre which was hacked and used to prepare forged birth and death certificates was in the name of petitioner Suresh Kumar. Learned State

counsel submits that in case the petitioners are extended the concession of bail, some stringent conditions be imposed upon petitioners- Nirbhaya @ Nirbhay Yadav @ Nirbhay Pratap Yadav and Shyam Sunder Bind since both of them are from the State of Uttar Pradesh and there could be a likelihood that they could abscond during trial.

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

5. The Trial would take considerable time to conclude as only 06 out of the 55 prosecution witnesses have been examined so far. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioners would serve no useful purpose who have been in custody since 04.05.2022 in a magisterial trial. Therefore, this Court deems it fit to extend the concession of bail to the petitioners.

6. Accordingly, the instant petitions are allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. The Trial Court/Duty Magistrate may impose some stringent conditions upon petitioners Nirbhaya @ Nirbhay Yadav @ Nirbhay Pratap Yadav and Shyam Sunder Bind while granting them bail to secure their presence as an apprehension has been raised by the State that they may abscond as they are residents of the State of U.P.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.11.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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