

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218 CRM-M-60812-2023
Date of Decision.:08.12.2023

BirenderPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Balraj Gujjar, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.23 dated 27.06.2023 registered under Sections 419, 420, 467, 471, 120-B of the IPC registered at Police Station Cyber Crime, Ballabgarh District Faridabad (Haryana).

2. Learned counsel for the petitioner contends that main accused Amrit Kumar Srivastav has already been allowed bail by this Court vide order dated 28.11.2023 passed in CRM-M-58898-2023. It is further contended that matter has already been compromised between the parties and on that basis petitioner be allowed bail.

3. Notice of motion.

4. Mr. Randhir Singh, Addl. AG, Haryana accepts notice on behalf of respondent- State.

5. Learned State counsel submits that name of the petitioner surfaced in the disclosure statement of co-accused Amrit Kumar Srivastav

and that a mobile was recovered from the possession of the petitioner used for conversation between the complainant and the petitioner.

6. While granting bail to co-accused Amit Kumar Srivastav, it was held by this Court in order dated 28.11.2023 as under:-

“By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.0023 dated 27.06.2023 registered under Sections 419/420/467/468/471 IPC at Police Station Cyber Crime, Ballabhgarh, District Faridabad.

As per allegations, petitioner induced the daughter of the complainant to pay ₹51,000/- in order to fetch her a job in INDIGO Airlines. Learned counsel for the petitioner contends that the petitioner has been falsely implicated. Even otherwise, an amount of ₹51,000/- has already been reimbursed to the complainant. Copy of affidavit of the complainant – Sunil Kumar is Annexure P.2 in this regard. Learned counsel further contends that matter has since been compromised.

Notice of motion.

Mr. Randhir Singh, Addl. AG, Haryana, accepts notice on behalf of the respondent- State.

A perusal of the order dated 09.11.2023 passed by learned Additional Sessions Judge, Faridabad whereby bail petition of the petitioner was rejected, reveals that petitioner is in custody since 27.07.2023. Offences in question are triable by the Magistrate. The matter has been compromised between the parties, as pointed out above. Considering the afore-said facts and circumstances, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.”

7. Having regard to the fact that main accused Amit Kumar

Srivastav had already been allowed bail and name of the petitioner has only surfaced in the disclosure statement of co-accused, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

December 08, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No