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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 63323 of 2023

Decided on :- 20.12.2023

RIYAZ ANSARI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amit Chaudhary, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Kushager Goyal, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 19.12.2023, the same are taken on record, copy supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
07	19.04.2023	379, 420, IPC	Cyber Crime, Hisar, District Hisar

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that as per allegations levelled by the complainant the amount in question was credited in the account of co-accused Naseem Ali who has since been arrested. It is on the basis of disclosure statement, the present petitioner was arrested on 21.09.2023 and police recovered ₹9000/- . Co-accused Arif Ansari has been granted concession of anticipatory bail vide order dated 29.11.2023 in CRM-M No. 54551 of 2023 (Annexure P-2). Challan has already been presented in Court, no other criminal case is registered against the petitioner, as such he prays for grant of concession of bail to the petitioner.

4. Per contra, learned State counsel has opposed the bail application by arguing that considering the nature and gravity of offence, petitioner is not entitled for concession of bail, however he has not controverted the factual matrix of the case.

5. Mr. Kushager Goyal, Advocate has put in appearance on behalf of complainant and filed Memorandum of Appearance, the same is taken on record. He submits that considering the nature and gravity of offence, petitioner is not entitled for grant of concession of bail.

6. Considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 21.09.2023 and he has been nominated on the basis of disclosure statement made by co-accused, challan has already been presented in the Court, no other criminal case is pending

against the petitioner and co accused Arif Ansari has been granted concession of anticipatory bail vide order dated 29.11.2023 in CRM-M No. 54551 of 2023 (Annexure P-2). The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by detaining the petitioner any longer in custody.

7. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.12.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No