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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 273 of 2024

Date of Decision: 07.02.2024

RAJESH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Sankalp Sagar, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.

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
0058	07.10.2023	419, 420 IPC	Cyber Crime Yamunanagar. District Yamuna Nagar

2. It is *inter alia* contended by the learned counsel for the petitioner that the petitioner is in custody since 09.10.2023 and the challan has already been filed and the petitioner is no more required for further investigation in the present case, triable by the Court of Magistrate. He submits that even as per the allegations the amount deposited by the

complainant in the account of petitioner has already been returned and compromise dated 22.12.2023 (Annexure P-1) has been effected to this effect. He submits that the petitioner is not having any criminal antecedents, as such he prays for grant of concession of bail to the petitioner.

3. *Per contra* learned State counsel has opposed the bail application by arguing that the petitioner is a member of online crime syndicate involved in cheating innocent citizens, he however admitted that challan has been presented in Court and out of 10 witnesses cited by the prosecution none of the witness have been examined till date.

4. Mr. Kulwinder Bhargav, Advocate, has put in appearance on behalf of the complainant and filed Power of Attorney, the same is taken on record. He has admitted the factum of compromise dated 22.12.2023 (Annexure P-1) and pleaded that the amount transferred by the complainant in the account of the petitioner has since been refunded and he has no objection if the petitioner is granted concession of bail.

5. After considering the rival contentions and perusing the record, it transpires that petitioner is in custody since 09.10.2023 in case triable by the Court of Magistrate. After presentation of challan, charges have been framed, however none out of the 10 witnesses cited by the prosecution have been examined till date. Moreover, it is worth mentioning that complainant has pleaded no objection for grant of bail to the petitioner having effected compromise dated 22.12.2023 (Annexure P-1). The conclusion of trial in the present case triable by the Court of Magistrate will take sufficient long time to ascertain criminal liability, if any, of the petitioner, no purpose would be served by detaining the petitioner in custody any longer.

6. Resultantly, without commenting on the merits of the case, 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.
7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)

JUDGE

07.02.2024

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