

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

262

2024:PHHC:016409
CRM-M-1549-2024
Date of decision: February 06, 2024

KRISHAN KUMAR CHAUDHARY
...Petitioner

Versus

STATE OF HARYANA
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ramesh Malik, Advocate
for the petitioner.

Ms. Jasleen Chahal, Assistant Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.15 dated 17.06.2023 under Sections 120-B, 386, 419, 420, 467, 468, 471 of the Indian Penal Code, 1860, registered at Police Station Cyber Crime, District Sonipat.
2. Learned counsel for the petitioner *inter alia* contends that the only role attributed to the petitioner was of having opened a bank account and thereafter, having handed over all the relevant bank documents including the kit provided to him by the bank to the co-accused. It has been submitted that the petitioner had no role to play in the crime in question, much less of having swindled any money, which was allegedly deposited in his bank account as the same had been handed over to the co-accused.
3. Learned counsel for the petitioner has further submitted that since the investigation in the case in hand is complete and even charges stand framed on 25.01.2024, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record subject to just exceptions. A copy thereof has been supplied to the learned counsel for the petitioner. Learned State counsel has vehemently opposed the prayer and submissions made by the learned counsel for the petitioner and has submitted that in fact the petitioner is one of the main beneficiaries as not only was the bank account opened in his name but even the money allegedly swindled from the complainant, had been deposited in the said account. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, she, on instructions, has replied in the negative.

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

6. In the facts and circumstances as enumerated hereinabove, since the investigation in the case in hand, which is based on documentary evidence, is complete, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude. The petition as such is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

7. 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.

8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

February 06, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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

