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

**CRM-M No. 2007 of 2023 (O&M)
Date of Decision: 08.01.2024**

Anshul Tyagi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bipan Ghai, Senior Advocate, assisted by
Mr. Akash Krishna, Advocate
Mr. Jatin Raheja, Advocate and
Mr. Nikhil Ghai, Advocate
for the petitioner.

Mr. Chetan Sharma, Deputy Advocate General, Haryana

Mr. Arjun Kundra, Advocate and
Mr. Vishal Sharma, Advocate
for the complainant.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail pending trial in case FIR No. 27, dated 08.05.2021, under Sections 408, 420, 467, 468, 471 & 120-B of IPC and Sections 66 & 66D of I.T. Act, registered at Police Station Cyber Crime, Gurugram, District Gurugram, wherein the petitioner has been implicated with the allegations of having transferred a sum of Rs. 4 Crores from the accounts of complainant-Company with the aid of one of the employees, namely, Umesh Gupta @ Ishu, by having persuaded him to disclose / share the User ID and Password of Net Banking pertaining to the Company.

[2] Learned Senior Counsel for the petitioner submits that the investigation in the present case stands concluded with the filing of challan followed by framing of charges; however, out of twenty-two (22), no prosecution witness has been examined. He further submits that the petitioner is in custody since 19.10.2021 and the trial will take a long time for its conclusion. He also submits that the co-accused, namely, Umesh Gupta @ Ishu and Shivam Singh have already been granted the concession of regular bail by this Court vide orders dated 28.08.2023 & 18.12.2023 passed in CRM-M-11939-2023 and CRM-M-46867-2023 respectively.

[3] On the other hand, learned State counsel as well as learned counsel for the complainant vehemently oppose the prayer, while submitting that the entire occurrence commenced at the instigation of the present petitioner, who persuaded Umesh Gupta to disclose / share the Password of the Net Banking of the Company, which helped in transferring a sum of Rs.4 Crores from the account of the complainant-Company. It has also been pointed out that out of Rs. 4 Crores, a sum of Rs. 50 lakhs came to be shared by the petitioner, from which he has purchased a flat in the name of his mother, besides making a payment of Rs. 8 lakhs to co-accused-Umesh Gupta; thus, he does not deserve the concession of regular bail.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned Senior Counsel for the petitioner.

[5] In the present case, the petitioner is in custody since 19.10.2021 and investigation stands concluded with the filing of challan followed by framing of charges and out of twenty-two (22), no prosecution witness has

been examined so far and the fact that the trial will take a long time to get concluded. Moreover, the co-accused, namely, Umesh Gupta @ Ishu and Shivam Singh, have already been granted the concession of regular bail by this Court vide orders dated 28.08.2023 & 18.12.2023 passed in CRM-M-11939-2023 and CRM-M-46867-2023 respectively.

[6] In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

[7] However, in case the petitioner indulges himself in similar kind of activity, the prosecution shall be at liberty to seek cancellation of the bail granted in favour of the petitioner in the present case.

January 08, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

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