

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

250

2024:PHHC:021996
CRM-M-2794-2024
Date of decision: February 15, 2024

JATIN ARORA
...Petitioner

Versus

STATE OF HARYANA
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akshay Kumar Dahiya, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy 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.528 dated 28.09.2023 (Annexure P-1) under Sections 66D of the IT Act, 2008 and Sections 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station Faridabad Kotwali, District Faridabad.
2. Learned counsel for the petitioner *inter alia* contends that false allegations have been levelled against the petitioner of having purchased two gold chains from the complainant and having wrongly communicated to him that the payment had been made *qua* the said purchases through the online mode, whereas the fact of the matter was that he had never made any payment and screenshot of the alleged online payment was a fabricated document.
3. Learned counsel further submits that it is a matter of record that the matter stands settled between the petitioner and the complainant as the outstanding amount already stands paid to him. Learned counsel submits that even otherwise, further incarceration of the petitioner would serve no useful

purpose as investigation in the case in hand is complete as challan stands presented. He thus prays for extending the concession of bail to the petitioner as his further incarceration would serve no useful purpose, moreso since 9 witnesses have been cited by the prosecution.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the learned counsel for the petitioner, has reiterated the allegations levelled against the petitioner in the FIR in question. She has not disputed that investigation in the case in hand is complete. She has, however, feigned ignorance about the petitioner having cleared the entire outstanding amount with respect to the purchase of the two gold chains.

5. Learned State counsel, on further instructions, has informed that Court that the next date of haring before the learned trial Court is 16.02.2024, when the charges are likely to be framed. She has placed on record the custody certificate of the petitioner, which is taken on record subject to just exceptions. She submits that there are a number of criminal cases under Section 138 and 420 of the IPC registered against the petitioner, however, he is on bail in those cases.

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

7. The petitioner is in custody in a magisterial trial; the trial could take considerable time to conclude. In the aforementioned circumstances, further incarceration of the petitioner would serve no useful purpose.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

9. 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.
10. 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 15, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No