

CRM-12234-2024 in/and
CRM-M-11249-2024
Date of decision: 21.03.2024

Sukhvinder SinghPetitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kuldeep Singh Ahluwalia, Advocate
for the applicant/petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

CRM-12234-2024

The present application has been filed under Section 482 Cr.P.C. for placing on record the compromise deed executed between the petitioner and the complainant.

In view of the averments made in the application, the same is allowed and compromise deed executed between the petitioner and the complainant is taken on record.

CRM-M-11249-2024

The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.08 dated 18.01.2024 under Sections 419/420/467/468/471/120-B of IPC registered at Police Station Cyber Crime, Sonipat District Sonipat (Annexur P-1).

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The FIR (*supra*) was registered on the statement of the complainant that on 02.01.2024, someone impersonated himself to be worker of DBS Bank called from mobile No.8728943770 to the complainant on his phone No.9813927191 and told the complainant about his previous loan transaction and as such, took the complainant in confidence. Thereafter, he offered to give loan to the complainant on low rate of interest. Relying upon his assurance, complainant shared his Aadhar Card and PAN Card on the Whatsapp of that person. Initially, he assured to give loan of Rs.5 lakhs but thereafter, when he won his confidence, he again assured that he can give further loan of Rs.10 lakhs for dairy farming and shared forged documents i.e. demand draft etc. purporting to be DBS Bank. For the documentation charges as well as security charges, he took an amount of Rs.71,980/- and Rs.62,250/-. In order to gain the confidence of complainant, he sent Rs.22,000/- through UPI transaction No.40154504335 in account No.08092191043180 of the complainant and accordingly, in the name of file charges etc. he had defrauded the complainant to the tune of Rs.5,66,920/-.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (*supra*) and in fact, his mobile phone was hacked and now during the pendency of the present petition, the petitioner and the complainant have effected a compromise and they have even approached this Court for quashing of FIR on the basis of compromise by filing CRM-12234-2024. The case is triable by the learned Magistrate.

Per contra, the learned State counsel opposes the grant of regular bail to the petitioner on the ground that his complicity is duly established and he is accused of Cyber Fraud committed with the complainant.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 25.01.2024 and the parties have compromised the matter and even approached this Court by filing a petition under Section 482 Cr.P.C. seeking quashing of FIR (*supra*) on the basis of compromise. Investigation is complete. The final

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report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner.

Keeping in view the facts and circumstances of the case and the compromise between the parties, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Sukhvinder Singh is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

21.03.2024
Neha

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