

CRM-M-14234-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(219)

CRM-M-14234-2024
Date of Decision:- 22.03.2024

Abhishek Tiwari
.....Petitioner

Versus

Union Territory Chandigarh
.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Deepak Gupta, Advocate for the petitioner.

Mr. Munish Bansal, PP, UT, Chandigarh and
Mr. Navjit Singh, Advocate.

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.107 dated 21.10.2023, under Sections 419, 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Cyber Crime, Sector-17, Chandigarh.
2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and he has been entangled in the present FIR on the basis of disclosure statement of the main accused-Satish Khushwaha.
3. Learned State counsel for UT, Chandigarh has vehemently opposed the concession of bail to the petitioner. However, he has clarified that, in fact, the FIR has been lodged against unknown person and only certain email accounts were given. He submits that during investigation it has come out that the accounts in which the money had been transferred illegally is in the name of the main accused-Satish Khushwaha but the mobile number given

CRM-M-14234-2024

2

in the form to open the account belongs to the present petitioner, who was, in fact managing the account. Learned State counsel further submits that the challan has already presented and the charges would be framed on 28.03.2024 and one of the accused is yet to be arrested.

4. After hearing learned counsel for the parties and considering the fact that the entire evidence is documentary in nature. The petitioner is a young boy of 25 years old and is in custody almost 04 months. The trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

5. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

6. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

7. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

8. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an

CRM-M-14234-2024

appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

9. However, it is made clear that this order shall not be construed as parity *qua* any other co-accused.

March 22, 2024

manju

Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No

(ALOK JAIN)
JUDGE