

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-16620-2024 (O&M)
Date of Decision:- 08.11.2024

SAGAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Bijender Dhankhar, Advocate for
Mr. Pankaj Nanhera, Advocae for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 CrPC for grant of regular bail to the petitioner in the following
case :-

FIR No.	Dated	Sections	Police Station
33	26.11.2023	420 IPC	Cyber Crime, District Kurukshetra

2. It is, *inter alia*, contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case
having no role in the transaction. He submits that there is nothing on record
that the petitioner had ever cheated the complainant party or received any
amount of such fraud. At the most, the allegations against the petitioner are

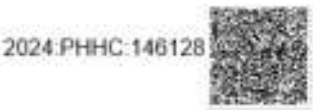


that he got opened an account in the name of his friend Manish in a Bank and supplied the bank kit to co-accused Gian, for which he received ₹50,000/- as commission. He contends that the petitioner is not having any other criminal case and is in custody since 07.01.2024. After the completion of investigation, challan has already been presented in Court and the conclusion of trial is likely to take sufficient long time. Hence, prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while opposing the bail petition of the petitioner has submitted that the petitioner happens to be part of the syndicate run by the co-accused, who cheat innocent persons to invest their hard-earned money and defraud them, hence, petitioner is not entitled to the concession of bail. However, he has admitted that as per the reply submitted by the State, the only role attributed to the petitioner is that he had opened the bank account of his friend Manish and handed over the bank kit thereof to co-accused Gian. He submits that ₹10,000/- has been recovered from the petitioner in this case out of ₹50,000/- commission so received by him.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the reply submitted by the State, the allegation against the petitioner is that he got the bank account of his friend opened in a Bank and later handed over the bank kit to co-accused Gian, who misused the same. For this purpose, the petitioner is alleged to have received ₹50,000/- as commission and consequent upon his arrest on 07.01.2024,



₹10,000/- has been recovered from him. After the completion of investigation, challan has been presented in Court, triable by the Court of Magistrate, wherein 48 witnesses have been cited but none has been examined till date. The conclusion of the trial to ascertain the criminal liability, if any, of the petitioner will take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

08.11.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |