



203 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-20031-2024
Date of Decision:20.11.2024

GULSHAN
....Petitioner

VERSUS

STATE OF PUNJAB
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Pawandeep Kuar, Advocate for the petitioner.

 Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.35 dated 26.12.2023 registered for the offences punishable under Sections 420 and 120-B of IPC at Police Station Punjab State Cyber Crime Police Station, District SAS Nagar.

2. The allegations in nutshell are that FIR in this case was registered against unknown persons who committed online fraud with complainant Jaideep Bhatia and siphoned off amount of Rs.35,50,000/-. During investigation, petitioner was arrested on 08.02.2024.

3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case and someone else misused his bank account. It is further submitted that the FIR in this case was registered against unknown persons and petitioner is in custody for the last more



than 9 months and is having no criminal history and further it will take time for the trial to conclude and all the offences are triable by the Court of Judicial Magistrate First Class. In the given circumstance, no purpose is going to be served by prolonging the judicial custody of the petitioner.

4. Present petition is resisted by the State Counsel, who submits that no doubt FIR in this case was registered against unknown persons but later on it transpired that the substantial amount out of the amount in question had gone to the bank account which was in the name of the present petitioner and resultantly, petitioner was arrested and one mobile phone was recovered at his instance. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 9 months and till date prosecution is able to examine 6 witnesses out of total 15 witnesses.

5. I have considered the submissions made by the counsel for the parties.

6. Undoubtedly all the offences are triable by the Court of Judicial Magistrate First Class and the petitioner is in custody for the last more than 9 months and recoveries if any, are already effected in this case. However, it will take time for the trial to terminate. In the given circumstance, no purpose is going to be served by prolonging the judicial custody of the petitioner who is having no criminal antecedents.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety

CRM-M-20031-2024

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bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty
Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

20.11.2024
Priyanka Thakur

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