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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-31168-2024  
Date of decision:-09.07.2024

RAM AVTAR SIROHI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Mohit Rathee, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

| FIR No. | Dated      | Sections                                | Police Station       |
|---------|------------|-----------------------------------------|----------------------|
| 12      | 02.02.2024 | 386, 419, 420, 467, 468, 471, 120-B IPC | Cyber Cell, Sonipat. |

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is aged about 19 years and is in custody since 26.02.2024. He submits that petitioner was not named in the FIR but has been nominated on the statement of one co-accused Manohar who has since been granted concession of regular bail on 07.06.2024 (Annexure P-4). He further submits



that as per the allegations in the FIR, there is a fraud of 3,79,945/- and the co-accused has already deposited the same through demand draft of ₹3,80,000/- (Annexure P-5). He submits that challan has already been presented in court and there is no other criminal case registered against the petitioner. Hence he prays for grant of concession of regular bail to the petitioner.

3. Learned State counsel opposed the bail application by submitting that the petitioner has actively participated in the crime, as such he does not deserve concession of bail, however, admitted that the challan has since been presented in Court and the petitioner is not having any other criminal case registered against him.

4. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the complaint made by complainant stating that on 02.02.2024 she had received telephonic call on her mobile phone and when on instructions she pressed "9", thereafter she received another Whatsapp call wherein the caller was claiming to be talking from Mumbai police BKC police station and claimed that the mobile number mentioned on her Aadhar Card is used in terrorist activities. He also sent arrest warrants on Whatsapp and demanded money, accordingly she transferred the amount in the given bank account and hence the FIR was registered.

5. It further, transpires that during course of investigation accused Manohar made disclosure statement on the basis of which the present petitioner was nominated and arrested in this case on 26.02.2024. Admittedly after completion of investigation challan has already been presented in Court



for trial. It is not disputed that the petitioner is not involved in any other criminal case. Therefore, in these circumstances, considering the fact that the petitioner is already in custody since 26.02.2024 and the conclusion of trial in the present case, to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner further in custody especially when he is not having any other criminal case registered against him.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

(SANJIV BERRY)  
JUDGE

09.07.2024  
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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |