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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30572-2024
Date of decision:-04.09.2024

RAJ KAMAL
... Petitioner
Versus
STATE OF HARYANA
... Respondent

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

Present:- Mr. Amit Choudhary, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 03.09.2024, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. 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 Crime Sonipat, District Sonipat

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has no concern with the alleged transactions and has been falsely implicated in this case and is in custody since 06.02.2024. He



contends that even as per the allegations levelled in the complaint the amount was paid by the complainant to co-accused Navjot Singh who has since been granted concession of bail by this Court on 13.05.2024 (Annexure P-4). He submits that even the amount in question i.e. ₹3,79, 945/- has been returned by Navjot Singh and received by the complainant as is evident from the order dated 04.03.2024 (Annexure P-3). He further submits that the petitioner was not the beneficiary of the said transaction and is having no criminal antecedents. Hence prays for grant of bail.

4. *Per contra* learned State counsel referring to the reply submitted by the State has opposed the bail application by submitting that the petitioner has actively participated in the crime in connivance with the co-accused Navjot Singh, and for lust of money allowed his bank account to be used in the commission of the crime, hence he prays for dismissal of the petition.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered by the complainant alleging that on receiving a mobile call on her phone she was instructed to press 9 and she was told that the caller was from Mumbai police station and the phone number used by the complainant is used in terrorist activities and on the basis of such threat complainant transferred ₹3,79, 945/- in the bank account, on the basis of statement, FIR was registered. Subsequently accused Navjot Singh was arrested in this case who disclosed the petitioner having handed over his bank details to him for the commission of crime and accordingly the petitioner was nominated and arrested in this case on 06.02.2024. Since then he is in custody. After completion of investigation, challan has already been presented in Court and prosecution has cited 8 witnesses. It is not disputed



that the complainant has already received the amount in question in Court of learned Additional District Judge on 04.03.2024 (Annexure P-3) from the co-accused Navjot Singh, who has since been granted concession of bail by this Court on 13.05.2024 (Annexue P-4). No specific overt act has been attributed to the petitioner. The conclusion of trial to ascertain criminal liability, if any of the petitioner will take sufficient long time in a case triable by the Court of Magistrate.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping the petitioner behind bars any longer. Therefore, the present petition is allowed. The petitioner is ordered to be released on 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

04.09.2024

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