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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32075-2024
Date of decision:-03.09.2024

KARAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. D.S. Virk, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 02.09.2024, 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
190	07.05.2024	406, 420, 120-B IPC	City Kaithal, District Kaithal

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner is neither named in the FIR nor any specific



attribution is there but has been nominated on the alleged disclosure statement of the co-accused Rahul. He submits that challan has already been presented against the petitioner but till date no witness has been examined, and the petitioner is not having any criminal antecedents. Hence he prays for grant of bail to the petitioner.

4. *Per contra* learned State counsel referring to the reply submitted by the State has opposed the bail application by submitting that the petitioner is part of inter-state gang of cyber criminals who had opened fictitious bank accounts and involved in IPL gambling. He contends that the petitioner was arrested on 09.05.2024 and two mobile phones were recovered from him. He submits that considering the gravity of offence petitioner is not entitled to concession of bail.

5. After considering the rival contentions and perusing the record, admittedly the petitioner was not named in the FIR, in fact the petitioner has been nominated in this case by co-accused Rahul who in fact nominated on the disclosure statement of co-accused Deepak. The petitioner was arrested on 09.05.2024 and from his possession two mobile phones have been recovered by the police. After completion of investigation, challan has already been presented in Court and till date no witness out of 19 witnesses has been examined. The petitioner is not having any criminal antecedents and the completion of trial in the case triable by the Court of Magistrate to ascertain criminal liability, if any of the petitioner will take sufficient long time.

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

03.09.2024
Gyan

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