

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33215 of 2023 (O&M)
Date of Decision: 20.03.2024

Mohd. Saeed Khan @ Said Khan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vikrant Pujara, Advocate for
Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.03 dated 29.09.2022, under Sections 419, 420 of the Indian Penal Code, 1860 (Sections 467, 468, 471, 120-B, IPC added later on); Sections 66-C & 66-D of the Information Technology (Amended) Act, 2008, registered at Police Station Cyber Crime, District Kurukshetra.

(2) Above FIR was registered on the basis of complaint made by Virender Singhal with the allegations that petitioner, along with other co-accused duped him to the tune of Rs.1.5 Lakh through an online fraud.

(3) This Court, on 18.07.2023, granted interim bail to the petitioner in following manner:-

“Contends that after completion of investigation, report under Section 173 Cr.P.C. was submitted on 27.12.2022; however, charges are yet to be framed. Also contended that there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to verify the above factual position.

Posted on 05.09.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

(4) Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below and there is no apprehension or allegation that he is likely to misuse the concession of bail in any manner.

(5) Learned State Counsel, on instructions, has acknowledged the above factual position.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It is not in dispute that petitioner was granted interim bail and he is regularly appearing before learned trial Court. There is no allegation that in case he is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, sending him in custody at this stage would not serve any purpose.

(8) Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 18.07.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

- (9) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
- (10) The above observations may not be construed as an expression of opinion on the merits of the case.
- (11) It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Disposed off accordingly.
- (13) Pending application(s), if any, shall also stand disposed off.

20th March, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No