

2172024:PHHC:012298

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45099-2023

Date of Decision: January 30, 2024

INNOCENT OTTI.....Petitioner

Versus

STATE OF HARYANA.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashish Jhamb, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

1. By way of this second petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 04 dated 05.08.2022 registered under Sections 419, 420, 120-B & 379-B of IPC, Sections 66-C, 66-D of IT Act and Section 14-A & 31 of Foreigners Act at Police Station Cyber Cell, Ballabgarh, District Faridabad wherein, the petitioner has been implicated for having committed online fraud with the complainant with the help of other co-accused.
2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that there has been direct evidence against the petitioner as one mobile SIM card was recovered from him which was used in the mobile phone involved in the alleged online fraud.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, the petitioner is already behind the bars since 06.08.2022 i.e. for a period of almost 1 year & 5 months and there is no other case of similar nature pending against the petitioner. The investigation already stands concluded with the filing of challan followed by framing of charges, however, the trial is likely to take some time as two of the prosecution witnesses are yet to be cross-examined besides the leading of defence evidence. Considering the fact that the petitioner is not involved in any other case besides, the conclusion of investigation and the custody period of more than 1 year and 5 months, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. However, the petitioner being a foreign national, appropriate/suitable conditions be imposed by the Court concerned while releasing him on bail so that his presence during trial can be ensured.

30.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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