



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

UPENDER ... **Petitioner**

Versus

STATE OF HARYANA ... **Respondent**

Present:- Mr. Prashant Dhull, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

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

FIR No.	Dated	Sections	Police Station
46	14.03.2024	419, 420, 120-B IPC (Section 66-D of IT Act added later on)	Cyber Manesar, District Gurugram

3. Arguments heard.

4. 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 the petitioner has no concern with the alleged transactions but has been nominated in the second disclosure statement of co-accused Rajan



Thakur and arrested on 29.04.2024, since then he is in custody. He contends that the petitioner is not having any criminal antecedents. He contends that after completion of investigation, challan has already been presented in Court, hence he prays for grant of bail to the petitioner as the conclusion of trial will take sufficient long time.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has not disputed the factual matrix that the petitioner has been nominated in disclosure statement of co-accused Rajan Thakur . He contends that the petitioner is alleged to have got opened the current account in the Bank in the name of co-accused Rajan Thakur and is alleged to have received ₹55,000/- for this purpose and out of which he had transferred ₹40,000/- in another account of Rajan Thakur and kept ₹15,000/- with him, hence he prays for dismissal of the petition. However he has admitted that the investigation has been concluded and the challan has been presented in the trial Court wherein 10 witnesses have been cited and 1 witness has been examined till date.

6. After considering the rival contentions and perusing the record, it transpires that admittedly the petitioner was not named in the FIR and his name surfaced only after the arrest of co-accused Rajan Thakur wherein he named petitioner in his second disclosure statement qua the role attributed to him. Even as per the reply submitted by the State the role attributed to the petitioner is that he facilitated the opening of the account in the name of co-accused Rajan Thakur wherein ₹55,000/- was transferred out of which ₹40,000/- was further transferred by the petitioner in the another account of Rajan Thakur and kept ₹15,000/-with him. Admittedly, the petitioner is not



having any criminal antecedents and even after his arrest ₹2000/- has been recovered from him.

7. It is evident from the reply submitted by the State that some of the nominated accused from whom the recoveries to the extent of ₹1 lakh have been effected were released as per the provisions laid by Hon’ble Supreme Court in Arnesh Kumar vs. State of Bihar. The recovery from the petitioner is only ₹2000/- and he is in custody since 29.04.2024 and there being no previous criminal history against him. The challan has already been presented in Court and the conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case triable by the Court of Magistrate will take sufficient long time.

8. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. 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.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.11.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No