

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.46747 of 2024
Reserved on: 18.10.2024
Pronounced on: 29.10.2024

Ashish Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S. Grewal, Advocate
for the petitioner.

Mr. Akshay Kumar AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
69	06.06.2024	City Nakodar, Jalandhar (Rural)	419, 420, 465, 467, 468, 471, 511, 120B IPC and 66(D) of Information Technology Act, 2000

- The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
- The petitioner is silent about his criminal antecedents, however in paragraph 14 of the reply states that the petitioner has no criminal antecedents.
- The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That FIR No. 69 dated 06.06.2024 U/s 419, 420, 465, 467, 468, 471, 511, 120-B IPC and Section 66(D) of Information Technology Act, 2000 was registered at Police Station: City Nakodar, District Jalandhar Rural on the basis of a complaint bearing no. 1450-PTM dated 21.05.2024 given to Senior Superintendent of Police, Jalandhar Rural by Complainant namely Viral Joshi, who is working as Legal Advisor in the Legal Team of India First Life Insurance Company Limited. “
- The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"8. That on 10.06.2024, petitioner Ashish Kapoor was arrested in the instant case and one CPU make FOXIN along with a printer make EPSON L8050 was recovered from him. Furthermore, co-accused Rajni Bala was also arrested on 10.06.2024 and 4 activated SIM cards were recovered from her.

ROLE OF THE PETITIONER:

11. That the present petitioner was named in the disclosure statement suffered by main accused Rohan Pandey and Navjot Singh who stated that present petitioner Ashish Kapoor had participated in their criminal conspiracy by preparing fake documents through his CPU. Thereafter, 10.06.2024, petitioner Ashish Kapoor was arrested in the instant case and one CPU make FOXIN along with a printer make EPSON 6050 was recovered from him.

EVIDENCE AGAINST PETITIONER:

12. That as noted above, the present petitioner was named in the disclosure statement suffered by main accused Rohan Pandey and Navjot Singh who stated that present petitioner Ashish Kapoor had participated in their criminal conspiracy by preparing fake documents through his CPU. Thereafter, on 10.06.2024, petitioner Ashish Kapoor was arrested in the instant case and one CPU make FOXIN along with a printer make EPSON L8050 was recovered from him. However, the FSL report with regard to the said CPU is still awaited."

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing

8. Per paragraph 7 of the bail petition, the petitioner has been in custody since 10.06.2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

9. The petitioner's role is much lower than that of the main accused.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.10.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.