

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53178-2023
Date of decision: 23.01.2024

Suhaib Kureshi @ SuhaibPetitioner.

Versus

State of Union Territory, ChandigarhRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. A.D.S.Sukhija, Advocate,
for the petitioner.

Mr. Manish Bansal, P.P. UT, Chandigarh.

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SANJIV BERRY, J. (ORAL)

1. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
47	11.05.2023	419, 420, 120-B IPC (467, 468, 471 IPC added lateron)	Cyber Crime, Chandigarh

2. 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 contends that even though the petitioner was not named in the FIR but has been nominated on the disclosure statement of the co-accused namely Azeem @ Rajinder Kumar, to have paid Rs. 22,000/- to the petitioner. He further contends that the evidentiary value of such statement is debatable

and the petitioner has been in custody since 05.06.2023. As such, he prays for grant of regular bail.

3. *Per contra*, learned State counsel has intimated that the petitioner is not entitled to concession of bail, considering the nature and gravity of the offence. He submits that Rs. 22,000/- were found deposited in the account of the petitioner and the petitioner along with the co-accused has cheated the complainant of an amount of Rs. 7.80 lacs. He, however, admitted that after completion of investigation, challan has been presented in the Court and charges have been framed.

4. After considering the rival contentions and perusing the record, it transpires that instant case was registered on the complaint given by Jasbir Kaur stating that on 07.11.2022 considering the advertisement by way of pamphlet, the said Jasbir Kaur called on the said number after sharing the problem that she intended to get an amount of Rs. 6.00 lacs recovered. She shared all her details with the caller who demanded some money for performing the rituals for resolving her problem. It is alleged that the said caller on one pretext or the other had taken Rs. 7.8 lacs in different accounts from the complainant and has therefore defrauded her. It is not disputed that the petitioner had been named on the basis of disclosure statement given by the co-accused, namely Azeem @ Rajinder Kumar and the allegation against the petitioner is that he had withdrawn Rs. 22,000/-. After completion of investigation, challan has been presented in the Court and as such the petitioner is not required for further investigation.

5. It is pointed out that charges have been framed by learned Trial Court and 21 witnesses have been cited by the prosecution. Considering the aforesaid facts and circumstances and further the fact that conclusion of trial will take sufficient long time and no purpose would be served by detaining the petitioner further in custody as his criminal liability can only be determined after completion of the trial. In these circumstances, without commenting on the merits of the case, petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

23.01.2024
preeti

(SANJIV BERRY)
JUDGE

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