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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-52833-2024
Date of decision:-21.11.2024

GAURAV ALIAS AMAN ALIAS ROAY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Namit Khurana, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 19.11.2024 and Parvi Report dated 17.03.2024 the same are taken on record. Copies thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bhartiya Nagarik Surakasha Sanhita (BNSS),2023 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
33	26.11.2023	420, 120-B IPC (467, 468, 471, 204 IPC added later on)	Cyber Crime, Kurukshetra District Kurukshetra

3. Arguments heard.

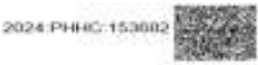
4. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case and he has no concern with the alleged transactions nor has he duped the complainant in any manner and he was nominated on the alleged disclosure statement of co-accused Monty. He contends that the petitioner is alleged to have allowed co-accused Monty to use his bank account and only ₹5000/- was recovered from the possession of the petitioner. He contends that petitioner is in custody since 17.03.2024, challan has already been presented in Court after completion of investigation. Hence, he prays for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel on instructions from PSI Harish Kumar submitted that the petitioner has actively participated in the occurrence and prayed for dismissal of the petition. However, on query they specifically stated that the petitioner was nominated on the disclosure statement of co-accused Monty and the allegations against the petitioner is that he allowed use of his account by the said Monty. The recovery of ₹5000/- has not been denied.

6. After considering the rival contentions and perusing the record, it transpires that instant FIR was got registered by Jagdish Singh claiming that he received message on his telegram account alluring to earn sufficient amount on daily basis. He again got message asking him to invest his money in a particular company on the pretext that he will be given a handsome return. In this way he was duped of approximately 76 lakhs by getting the same deposited in various accounts. During course of investigation Monty was arrested and the petitioner was nominated in his disclosure statement.



Subsequently the petitioner was arrested on 17.03.2024 and from the petitioner recovery of ₹5000/- has been made. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 48 witnesses but till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time.

7. 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.

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

(SANJIV BERRY)
JUDGE

21.11.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |