IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.59400 of 2023
Date of Decision: 23.04.2024

SAGAR @ ARUN ......Petitioner

Vs
STATE OF HARYANA ....Respondent

CORAM: ***HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Ajay Kalra, Advocate with
Ms. Isha Janjua, Advocate
for the petitioner.

Mr. Rajiv Sidhu, D.A.G., Haryana.

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HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.0007 dated 01.05.2023 registered under Sections 120-B, 386, 419, 420, 467, 468, 471, 506 IPC at Police Station Cyber Sonipat, District Sonipat, Haryana wherein the petitioner has been implicated with the allegation of having duped of the complainant for a sum of Rs.28,49,550/- by way of online fraud.

2. Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of challan followed by framing of charges on 28.09.2023. The petitioner is in custody for the last 10 months and 22 days and the trial is likely to take some time.

3. Learned counsel further points out that there is no money trail which connects the petitioner with the offence in question as no transaction has been done from his Bank account. He also points out that petitioner is not involved in any

other case and is having clean antecedents besides he been implicated merely on the basis of disclosure statement made by Yogender Sharma.

4. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that petitioner was implicated on the basis of disclosure statement made by one Kartik, who in turn named one Himanshu, who happened to be the proprietor of M/s Star Vision Implex where an amount of Rs.2.5 crores was deposited between 12.04.2023 to 14.04.2023 including some of the amount deposited by the complainant besides deposit of remaining in one another account maintained in the name of Express Logistics through its proprietor.

5. Learned State counsel further submits that as per investigation, the petitioner has got a commission of Rs.5,000/- for having provided the details of aforesaid account to one Kabir, who though happens to be a co-accused, is yet to be arrested.

6. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

7. In the present case, the investigation already stands concluded with the filing of challan followed by framing of charges. Petitioner is not involved in any other case of similar nature and is behind the bars for almost 10 months and 22 days and thus, as per investigation carried out so far, petitioner merely got a commission of Rs.5,000/- for providing bank account which was in the name of Himanshu where the entire amount of fraud was initially got deposited.

8. Considering the fact that the petitioner has already suffered incarceration for a period of almost 10 months and 22 days and the trial is likely to

take sometime in its culmination, I do not find any justification to extend the incarceration of the petitioner.

9. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

10. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

(HARKESH MANUJA)
JUDGE

April 23, 2024
Atik

Whether speaking/reasoned Yes/No
Whether reportable Yes/No