



CRM-M-63498-2023

-1-

220

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

CRM-M-63498-2023

Date of Decision:- 22.08.2024

Deepak Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Robin Singh Hooda, Advocate for petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Deepak Kumar has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 27 dated 19.12.2022 under Section 419, 420, 120-B of Indian Penal Code, 1860 and Section 66C & 66D of Information Technology Act (inadvertently written as Indian Penal Code, 1860 in head note of petition), registered at Police Station Cyber Crime, Ambala.

2. As per the facts of case, Gulzar Singh complainant filed written complaint regarding misappropriation of Rs.15,88,000/- through forgery. It is submitted that Gulzar Singh was working as property dealer. He received a call on his mobile phone to which he replied thinking that it was his relative Mangal Singh resident of Italy. At his instance, he came in contact with Monu Kumar Chaubey and on account of their misrepresentation, he

**CRM-M-63498-2023****-2-**

deposited various amounts from time to time as detailed in the FIR and a sum of Rs.15,88,000/- was misappropriated by committing fraud with him.

3. Learned counsel for petitioner argued that he is falsely implicated in this case. Allegations are against Monu Kumar Chaubey. He was arrested on 27.03.2023 and his anticipatory bail application was wrongly declined vide order dated 04.09.2023. He was merely an employee in the call centre. He has already joined the investigation. Challan is presented. He is ready to abide by the terms of bail order. It is prayed that his regular bail application may kindly be allowed.

4. Bail application is opposed by learned counsel representing State. Status report is filed. During investigation, it was revealed that accused Nitesh and Deepak were already in custody in FIR No.65 dated 15.12.2022, under Sections 419, 420 of IPC, registered at Police Station Cyber Crime Rohtak. They were formally arrested in this case on 22.03.2023 and were joined in the investigation. On the basis of disclosure statement of present petitioner, cash of Rs.1100/- was recovered from his possession. It is confirmed that challan is presented and the case is fixed for arguments on framing of charge. Considering the nature of offence, petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. Admittedly, main accused Monu Kumar Chaubey has not been arrested till date. Challan is presented qua Nitesh and Deepak. Petitioner was already in custody in some other case and he was formally arrested in the present FIR. After completion of investigation, challan is presented. Trial of this case may take some time. Present petitioner is in custody in this case since 22.03.2023.

Therefore, without expressing my mind on the merits of the case, regular



CRM-M-63498-2023

-3-

bail application filed by the petitioner – Deepak Kumar is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

- 6. Petition is accordingly, allowed.
- 7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

22.08.2024

Sunil Devi

**(AMARJOT BHATTI)
JUDGE**

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