

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.63795 of 2023

Date of decision: 7th February, 2024

Rakesh Pal

... Petitioner

Versus

UT Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sohrab Dhanda, Advocate for the petitioner.

Mr. Manish Bansal, Public Prosecutor UT Chandigarh and
Mr. Ankush Singla, Advocate
for the respondent/UT.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.48 dated 30.09.2022 under Sections 420, 419, 120-B of the IPC (Sections 467, 468, 471 IPC added later on) registered at Police Station Cyber Crime, Chandigarh.

2. Learned counsel for the petitioner inter alia contends that in a Magisterial trial, he has now been in custody for almost 10 months, having been arrested on 15.04.2023. Learned counsel has further submitted that false allegations have been leveled against the petitioner of having lured and duped the complainant into depositing ₹13.50 lacs into his account on the pretext that some money was required for the medical treatment of one Jaspal Singh and his wife, who were admitted in a hospital. It has been further submitted that after the challan was

presented and charges framed, all the three material witnesses including the complainant stood examined and hence, his further incarceration would serve no useful purpose as there could be no possibility of the petitioner tampering with the evidence or even trying to influence the witnesses. Learned counsel has also asserted that the petitioner is a man of clean antecedents as he is not involved in any other criminal case. A prayer has, therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned counsel appearing on behalf of the UT Chandigarh while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Gurmeet Singh, has submitted that an amount of ₹2.50 lacs was deposited directly into the bank account of the petitioner. However, he has not been able to dispute that the sole material witness in the case in hand i.e. the complainant along with two others has already been examined before the trial Court. It has also not been disputed that the petitioner is not involved in any other criminal case.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 15.04.2023 in a Magisterial trial and there is no likelihood of the trial concluding in the near future as five witnesses cited by the prosecution still remain to be examined. In addition to this, the sole material witness i.e. the complainant along with two others already stands examined. In the

facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 7, 2024
rps

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