



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-2576-2025 (O&M)
Decided on : 23.01.2025

SUSHIL KUMAR

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Rakesh Nehra, Senior Advocate with
Mr. Rupender Singh, Advocate for the
petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to
the petitioner in case FIR No.100 dated 30.06.2024 under Sections 465, 467,
468, 471 and 120-B IPC, registered at Police Station Cyber Crime,
Ballabgarh, District Faridabad.

2. The translated version of the FIR is reproduced below:-

*“To The commissioner of police Faridabad, Haryana 121001 SUB
Formal request for investigation into fake website of J.C Bose
University of science Technology, YMCA, Faridabad
i.e. <http://jcboseust.co.in>. Sir, with respect to the subject cited
above, the undersigned formally apprise you w.r.t cloning of
university website. It is a great matter of concern that our official
website, www.jcboseust.ac.in, has been maliciously replicated
at www.jcboscust.co.in by some fraudulent person. This cloned
website is unauthorized and poses a significant threat to our
university, especially considering that the admission process for
the upcoming academic session is currently ongoing. If the
fake/clone website holder/owner is not restrained by your good
office then these types of fraudulent activities can endanger the*



reputation of the university which can also cause irreparable loss to image of the university. Due to the cloning of website, personal data of the students who are going to apply in the upcoming admission process of the university and legal implication may also arise thereafter. It can hinder the admission process of the university amounting to harm the future of the students which cannot be compensated at any cost. So, you are requested to take strong action against the wrongdoers to stop such type of illegal/fraudulent activity. S.D Meha Sharma ”

3. Learned Senior counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case. The police final report indicates that the fake website and mark-sheet were created solely by the co-accused, who has since left the country, and that the petitioner had no role in the preparation of the mark-sheet. Moreover, the complainant has turned hostile, and a copy of the statement of PW-1 has been supplied in Court today. He further submits that the petitioner has undergone an actual custody of 06 months and 17 days and is not involved in any other criminal case.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 06 months and 17 days and he is not involved in any other criminal case. He on instructions from the concerned investigating officer submits that charges were framed on 01.10.2024 and out of a total of 09 prosecution witnesses, only 01 has been examined till date. However, he has not disputed the fact that the complainant has turned hostile.

5. Heard the rival submissions made by learned counsel for the

parties.



6. Admittedly, investigation of this case is complete and charges were framed on 01.10.2024 and out of a total of 09 prosecution witnesses, only 01 has been examined till date. The complainant has turned hostile. The petitioner has undergone an actual custody of 06 months and 17 days and there is no other criminal case registered against him. The conclusion of trial will take a considerable period and further detention of the petitioner will not serve any useful purpose and will be violation of Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in "Dataram Singh vs. State of Uttar Pradesh and another", (2018) 3 SCC 22. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.



8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

23.01.2025

Kavita

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*