



CRM-M-10278-2025 (O&M)

250

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-10278-2025 (O&M)

Date of Decision: 27.03.2025

DHARMENDER KUMAR

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Amit Kumar Goyal, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

...

**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.12 dated 15.05.2023, registered for the offences punishable under Sections 420, 467, 468, 471 and 120-B of IPC, 1860 at Police Station Cyber Crime, District Sonipat.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*“To, The Station House Officer. Cyber Police Station Sector-23 Sonipat. Sir, I am posted as Principal at Om Public School, Gohana. The school has its current account No. 37720200000187 in Bank of Baroda, Branch Gohana. The mobile number registered with the bank is 92152-41667. The mail id linked with the above said account is opsgohana@rediffmail.com. The message/OTP are used to be received on the registered mobile number by Director Nirmal Thakur. The access of above said email is lying with Karainbir Accountant and Bijender IT Head. Today on 15.06.2023, afternoon, when I desire to access the email, but the email could not be accessed. The registered mobile number was also not working. Upon having doubt, when enquiry was conducted from the bank regarding the balance in the account, it came into knowledge that unidentified persons have hatched conspiracy and have committed fraud and have added forged beneficiary account. Thus have caused loss of Rs.1,68,80,047.20/- (Rupees One Crore Fifty Nine Lakhs Fifty Thousand*

**CRM-M-10278-2025 (O&M)**

*and Forty Seven). The persons who are involved in the fraud, hatched conspiracy, got opened forged bank account, changed the password of email id, tampered with the phone number, without our consent, got transferred the above said amount from 14.05.2023 to 15.05.2023 from the current account of the school. Thus have caused financial loss to us. Strict legal action may kindly be taken against the persons, who have fabricated the forged documents and have committed fraud. Thanking You. Manjeet Khasa, Principal Om Public School, Gohana. Mobile No. 9813100900, 921581300 resident of 1003, Sector-23, Sonipat.”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 25.05.2023. Learned counsel for the petitioner has iterated that there is no tangible material brought forth by prosecution along with the challan so as to show the culpability of the petitioner. Learned counsel for the petitioner has further argued that the money trail is not traceable to the petitioner, therefore, the petitioner is not likely to be convicted. Learned counsel for the petitioner has submitted that the culprits, from whom the money trail can be traced to, have not been arraigned as accused by the police. Thus, the regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 25.05.2023 whereinafter investigation was carried out & challan was presented on 18.10.2023. Total 16 prosecution witnesses have been cited out of which only 1 has been examined till date. It is indubitable that the culmination of the trial, but of course, will take its own time. The contentions raised by rival parties give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these

**CRM-M-10278-2025 (O&M)**

rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 26.03.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 01 year, 10 months and 07 days. As per the said custody certificate, the petitioner is said to be involved in other FIR also. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012(1) R.C.R. (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das vs. State, 1998(2) R.C.R. (Criminal) 477*** & judgments of this Court in ***CRM-M-38822-2021*** titled as ***Akhilesh Singh vs. State of Haryana***, decided on 29.11.2021 and ***Balraj vs. State of Haryana, 1998(3) R.C.R. (Criminal) 191***. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld.

**CRM-M-10278-2025 (O&M)**

concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

**CRM-M-10278-2025 (O&M)**

10.           Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11.           Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

27.03.2025

*Jasmine Kaur*

(SUMEET GOEL)  
JUDGE

|                           |     |    |
|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |