



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207+208

Date of Decision:- 18.01.2025

(I) CRM-M-54503-2024 (O&M)

MANISH KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

(II) CRM-M-55289-2024 (O&M)

DIVYANSHU

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

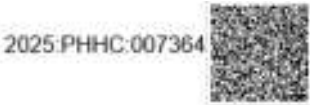
CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Narender Kaajla, Advocate for the petitioners.

Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

1. By way of this common order, the above-mentioned two criminal miscellaneous petitions shall be decided, as they arise out of same FIR.
2. The instants petitions have been preferred by the petitioners under Section 439 CrPC for grant of regular bail to the petitioners in the following case :-



FIR No.	Dated	Sections	Police Station
15	07.05.2024	420 IPC; (417 and 120-B IPC added later on)	Cyber Crime, Fatehabad

3. It is, *inter alia*, contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. He submits that the petitioners have not cheated or duped any person and in fact the complainant is alleged to have deposited an amount of Rs.5 lakhs in the bank Account No.xxxxxxx61244, which does not belong to either of the petitioners but one co-accused Sohail Malik, with whom the petitioners have no concern. He further submits that no amount has been deposited in the accounts of the petitioners nor is there any such allegation by the complainant. The petitioners are in custody since 21.08.2024 and after the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 13 witnesses and till date none has been examined. As such, prays for grant of bail to the petitioners.
4. *Per contra*, learned State counsel, while referring to the status reports filed by the State in the respective cases, has assailed these arguments by submitting that the petitioners have been part of a cyber fraud committed upon the complainant and as such they do not deserve the concession of bail and prayed for dismissal of the petitions.
5. Heard learned counsel for the parties and perused the record.
6. After considering the rival contentions and perusing the record, it transpires that it is not disputed that the amount of Rs.5 lakhs of the complainant was deposited in the Account No.xxxxxxx61244, which does



not belong to either of the petitioners but in fact belong to co-accused Sohail Malik. There is nothing on record that any amount was deposited in the accounts of the petitioners or paid to them by the complainant. After their arrest on 21.08.2024, the investigation has been completed and challan has been presented in Court, but till date out of 13 witnesses cited by the prosecution none has been examined and it will take sufficient long time for the trial Court to conclude the trial to ascertain the criminal liability, if any, of the petitioners. In the circumstances, no purpose would be served by detaining the petitioners any longer.

7. Consequently, without commenting on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.01.2025
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |