



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

234

CRM-M-60326-2024

Date of decision: May 19th, 2025

Abhishek Kumar Jha

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. M.R. Sharma, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.2 dated 01.08.2022 under Sections 420, 467, 468, 471, 120-B of the IPC and Sections 66C & 66D of The I.T. Act, 2000, registered at Police Station Cyber, District Sonapat.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 02.09.2022, having been implicated solely on the basis of disclosure statements allegedly made by co-accused Yash and Hemant. It is contended that there is no direct evidence linking the petitioner to the commission of the offence, and the evidentiary value of a disclosure statement-particularly of a co-accused-is inherently weak. It is further submitted that the petitioner has clean antecedents and has never previously been involved in any criminal case, which strongly suggests his false implication.

3. It is further argued that although the challan was presented on 29.11.2022, charges were framed only on 04.03.2025. Despite the passage of considerable time, not a single witness out of the 48 cited by the prosecution has been examined, which clearly indicates that the trial is unlikely to conclude in the near future.

4. Learned counsel has further brought to the notice of this Court that out of 13 persons named as accused in the final report, 11 have already been granted bail, including co-accused Yash and Hemant, whose disclosure statements alone formed the basis of the implication of the petitioner in the present case.

5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. On instructions from ASI Suneet Bali, the learned State counsel has not disputed the custody period of the petitioner or the stage of the trial. However, he has opposed the prayer for bail and reiterated the allegations contained in the FIR annexed as Annexure P-1.

6. Briefly summarized, as per allegations in the FIR, the complainant reported a massive online fraud whereby ₹1.89 crores was siphoned off from the company's bank account through 16 fraudulent transactions. The fraud is stated to have been facilitated by unauthorized access to the company's internet banking system, allegedly by "hacking". The suspicion arose following missed calls and fraudulent communication received by the Senior Accountant of the Company, who discovered that the account could no longer be accessed.

7. On instructions, learned State counsel has submitted that the petitioner is alleged to be a professional hacker who, in conspiracy with other co-accused, fraudulently withdrew ₹1.89 crores from the

bank account of the company, and in addition, is alleged to have withdrawn a further ₹44 lakhs by hacking into the ATM system of the company.

8. However, upon a specific query put by the Court, learned State counsel has not disputed that the petitioner's name surfaced only in the disclosure statements of the two co-accused Yash and Hemant, both of whom are already on bail. It has also been conceded, on instructions, that the petitioner has no previous criminal antecedents. As regards the delay in trial, learned State counsel has, on instructions, attributed it to systemic pendency before the trial Court, due to which the matter has not progressed substantively.

9. I have heard learned counsel for the parties and perused the material placed on record.

10. The petitioner has been in custody since 02.09.2022. Charges were framed only on 04.03.2025, more than two years after the presentation of the challan on 29.11.2022. None of the 48 prosecution witnesses has been examined so far. It has not been disputed by the learned State counsel, on instructions, that the petitioner has clean antecedents and is not involved in any other criminal case; his implication is based solely on the disclosure statements of co-accused, who are already on bail.

11. The constitutional right to a fair trial enshrined under Article 21 of the Constitution of India guarantees not only a fair but also an expeditious trial. While a rushed trial may prejudice the defence, inordinate delay in conducting the trial is equally violative of the fundamental rights of an accused. In the instant case, the prolonged incarceration of the petitioner, coupled with negligible progress in the

trial, renders further incarceration of the petitioner unjustified and disproportionate.

12. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. The trial Court/Duty Magistrate concerned may impose any stringent conditions as it deems fit to ensure the presence of the petitioner on each and every date of hearing.

13. 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.

May 19th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No