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

CRM-M-62697-2024

Date of Decision:10.07.2025

SURESH KUMAR BAIRWA

...PETITIONER

VS.

STATE OF PUNJAB

....RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Harkaran Singh, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.P.C. with a prayer to grant regular bail to him in case FIR No.0010 dated 30.04.2024, registered under Sections 420, 120-B IPC 1860 and Section 66(D) Information Technology Act 2000, Police Station Punjab State Cyber Crime Cyber Police District S.A.S. Ngar Mohali.

2. Learned counsel for the petitioner contends that the petitioner was initially not named in the FIR and has been unnecessarily dragged at a subsequent stage, without any admissible evidence against him. He further contends that even the petitioner had only handed over his Aadhar card/Pan card/Blank cheque and signed documents to a bank official for getting the personal loan from the bank for the treatment of his parents. However, the documents were misused and an account was opened, which was used in the commission of crime. He next contends that the petitioner was arrested in the



present case on 23.07.2024 and is in custody since then. Even the challan has been presented against the petitioner and the prosecution has been able to examine only 03 witnesses out of total 14 witnesses so far. Thus, the trial may not conclude in near future.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that two more cases have been ordered to be registered against the present petitioner and he does not deserve the concession of bail by this Court. He has also filed status report by way of an affidavit of the Superintendent of Police, State Cyber Crime Division, Phase-IV SAS Nagar Mohali on behalf of the respondent-State and the same is taken on record.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. No doubt the allegations levelled against the petitioner are very serious, but he is in custody for the last almost 01 year. Moreover, the prosecution has been able to examine only 03 witnesses out of total 14 witnesses so far. Thus, the trial is not likely to conclude in near future and further custody of the petitioner will not serve any useful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) 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 him to disclose such facts to the Court or to any other authority.



(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

10.07.2025
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(N.S. SHEKHAWAT)
JUDGE

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