

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51747-2024
Reserved on: 13.02.2025
Pronounced on: 17.02.2025

Naved Ali ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Naveen Kumar Sheoran, DAG Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
24	18.11.2023	Cyber Crime Kurukshetra, Distt. Kurukshetra	420, 406 IPC and 66 of IT Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 15 of the bail petition and as per para 9-a of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	25	16.05.2024	406, 420 IPC	Cyber Crime, Kurukshetra, Distt. Kurukshetra

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

"2. That the present case has been registered on the statement of Satnam Singh son of Balkar Singh resident of Village Tyora, Tehsil Shahabad, District Kurukshetra and contents of the same are reproduced as under for kind perusal of this Hon'ble Court.

"It is stated that I am resident of above said address and I had received a link on telegram, who got me joined a telegram channel or group, where Rs.50/- had to be received for watching a video and after watching three videos Rs.150/- used to be received in the account and then after that a welfare task used to be received, in which 2 to 4 tasks had to be made. For doing this, separately a telegram channel or group had to be joined and I

joined the task, that used to be started from Rs.5000/-, wherein I staked Rs.5000/-. I had got the same deposited in Account no.972600210xxxxxx and IFSC CODE PUNB0972600 and after completing that task, Rs.7500/- became in my wallet. After that the Admin told that for next task, stake Rs.30,000/-. Then I got deposited Rs.30,000/- in the said account number and after completing that it and ask, Rs.52500/- became in my wallet. Then Admin stated that for doing next task, stake Rs.90,000/-, then I also got deposited Rs.90,000/- in the said account and now after completing that task, there should have been Rs.2,25,000/- in my wallet but there remained only Rs.2500/-. Then I said how it happened, then the Admin started saying that your task has been failed. If you stake Rs.3,00,000/-, the loss suffered by you will be fulfilled and after that you will have to do one more task. Then I in order to fulfill my loss, came into his smooth talk and I staked Rs.3,00,000/- which was deposited by me in Account No.012763300xxxxxx IFSC Code YESB000127, at police station from the aforesaid complaint No.153-X Dasti dated 18.11.2023 received in the police post by post from the office of Superintendent of Police, Kurukshetra.

3. That on the basis of above said complaint, the present FIR no.24 dated 18.11.2023, under Sections 406, 420 IPC, in Police Station Cyber Crime, Kurukshetra was registered and intimation regarding registration of the present case also sent to the higher authorities.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“5. Thereafter, during investigation of the present case, it has come out that the petitioner/accused along with co-accused of the present case has collected an amount of Rs.10,25,000/- in his firms account by committing online fraud and Section 66D 1.T. Act was added in the present case.

6. That, after completion of investigation of the present case, challan under Sections 406, 420, 201 IPC and 66-D 1.T. Act was submitted before the learned Trial Court on 29.05.2024 and learned Trial Court framed charge under Sections 406, 420, 201 IPC and 66-D I.T. Act against the

petitioner/accused on 14.08.2024. Now matter is pending before the learned trial Court and same is fixed on 18.12.2024 for prosecution evidence. Total witnesses in the present case are 13 and out of them, only 01 witness has been examined before the learned Trial Court.

7. That the arrest of one more accused, namely, Afser son of Sherjaan is still pending and material witnesses are yet to be examined in the present case, hence petition of the petitioner/ accused is liable to be dismissed with direction to face trial before the learned Trial Court.

8. That, the Cyber crime is on increase these days and people like accused/ petitioner loot lacs of hard earned money by showing silver screen to the innocent victims, who fell to their trap. The petitioner/ accused has no source of regular income but such a hefty amount of Rs.2,81,55,000/- has been transacted to his account, hence petitioner/ accused has committed crime of serious nature and now has filed the present petition before this Hon'ble Court on false grounds and same is liable to be dismissed."

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 10 of the bail petition, the petitioner has been in custody since 08.04.2024. As per the same, the petitioner's total custody in this FIR is around ten months. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.
12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.
14. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.
15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

17.02.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.