

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

CRM-M-17475-2017

Date of decision: 13.7.2017

Bakhtyar Ahmad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Ms.Monisha Lamba, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

Mr.R.B. Gupta, Advocate
for the complainant.

H.S. MADAAN, J.

This petition for regular bail has been filed by Bakhtyar Ahmad – an accused in FIR No.93 dated 9.2.2017, under Sections 420/120-B IPC and 66-C and 66-D of Information Technology Act, 2000, registered at Police Station Central Faridabad, District Faridabad.

Briefly stated, the prosecution story is that a gang has been active in the region in hacking the bank accounts thereby transferring the amounts from such bank accounts to the fictitious bank accounts thereby siphoning off the funds and that petitioner is member of the said gang.

Deputy Manager, Finance for Psychotropics India Ltd. had submitted a written complaint dated 9.2.2017 to Commissioner of Police, Faridabad complaining that a hacker had hacked their Managing Director – Mr.Navdeep Chawla's E-mail on 7.2.2017 and three different accounts numbers were provided for online transfer of Rs.4.5 lacs/Rs.6.20 lacs in their accounts. During the investigation, involvement of the petitioner in the scam was found to be there. He was arrested on 25.3.2017 and produced in the Court on 26.3.2017, when he was remanded to police custody. During the course of his police custody, he said to have stated that he had got opened a bank account by Aasib son of Mohammad Ahmad, resident of Ward No.4, Fatehganj West Bareilly (U.P.) in the name of Samsul Hassan at his address getting the same verified fully aware of the fact that Aasib had impersonated as Samsul Hassan and a sum of Rs.4.10 lacs of complainant was got transferred in that account, out of which Rs.30,000/- came to his share. Rs.4,000/- had been recovered from petitioner – Bakhtyar Ahmad on 27.3.2017.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

Learned counsel for the petitioner has argued that the petitioner is innocent and has not done any wrongful act; he is not required by the police for further investigation and that the accused has been sent to judicial custody, therefore, he be released on bail.

Learned State counsel opposed the petition submitting that the petitioner has committed a serious offence and in case he is released on bail, there is every possibility of his tampering with the prosecution

evidence and absconding, therefore petition be dismissed.

I have given a thoughtful consideration to the rival contentions besides going through the record.

I am of the view that no ground for grant of regular bail to the petitioner is made out. Cyber crime is increasing at alarming rate. The petitioner is said to be an active member of the gang indulging in cyber crime resulting in depriving innocent persons of their hard earned money and utilizing that money for himself and other members of the gang. Such type of crime is to be taken seriously; since otherwise similar offences of much more monetary value and stakes are likely to happen more frequently. I find force in the contentions of learned State counsel that there is genuine apprehension of the petitioner tampering with the prosecution evidence and absconding, if granted bail.

Therefore, finding no merit in the petition, the same stands dismissed.

13.7.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No