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

**CRM-M No.28856 of 2021
Date of Decision: 15.09.2021**

ABDUL ALIM SHEKH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Deepanshu Matya, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.30 dated 15.05.2021, registered under Sections 420, 467, 468, 471, 120-B IPC and 66-D of IT Act, 2000 at P.S. Cyber Crime, Gurugram District Gurugram.

The FIR was registered on the allegations that the complainant received a message for updating his KYC for his telephone sim. He was asked to open a link which was provided to him. He was asked to call on one number 9163560287. The complainant called on that number and the person asked him to open an application on the play store for upgradation of KYC.

Team Viewer Quick Support was opened by the complainant. The person kept on directing the complainant to fill the details viz. Name, email and phone etc. After doing that other details were asked i.e. it asked for online or debit/credit card payment of Rs.10/- and the same was made by the complainant through net banking. In the meanwhile, the complainant saw a message of deduction of Rs.4,95,000/- and Rs.4,50,000/- from his account. The complainant became suspicious and lodged the complaint.

During course of investigation, the account deducted from the complainant was found to be received in Paytm Rummy having Account No.9163560287 and 9810257644. The said amount was shown to be paid for online rummy. Thereafter the said amount was shown to be transferred from Paytm Rummy Account No.9163560287 to Bank of Baroda A/c No.4510010009621 and IndusInd Bank A/c No.100127081668. Further the amount was shown to be transferred from Paytm Rummy A/c No.9810257644 to Bank of Baroda A/c No.45100100009620 and Union of India A/c No.768402010006330. On verification, it was found that account in Bank of Baroda was in the name of Sanatan Haldar and along with this account, a mobile number was also found registered. Another Bank of Baroda account was found in the

name of Meghnath Haldar and mobile number was also found to be registered. The sims were ultimately found to be in the name of Beejan Kumar Mandal and Hafiz ul Gazi i.e. the persons who have not been arrayed as accused in the present case.

Learned counsel for the petitioner submits that the petitioner has been nominated on the basis of disclosure statements of Sanatan Haldar and Meghnath Haldar. Challan has already been submitted. The offence is triable by the Magistrate. The trial in any case may take long time to conclude.

Learned State counsel however opposed the bail on the premise that the petitioner is the kingpin and is main beneficiary of the accounts in the names of Sanatan Haldar and Meghnath Haldar. Petitioner is in custody since 03.06.2021.

The complicity of the petitioner on the basis of aforesaid incriminating facts would remain debatable. The challan has been presented, but the charges have not been framed so far. The offence is triable by the Magistrate.

In view of aforesaid circumstances, without adverting anything on the merits of the case, it would be just and appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is

ordered to be released on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

September 15, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No