

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

**CRM-M-8257 of 2022 (O&M)
DECIDED ON:6th December, 2022**

Naseem

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Aakash Juneja, Advocate for petitioner.
Ms. Geeta Sharma, DAG Haryana.
Mr. R.K. Malik, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

1. This is a second petition seeking regular bail in case of FIR No. 22 dated 11.1.2021, under Sections 406, 420 IPC, 1860 and Sections 66, 66-C, 66-D of Information and Technology Act, 2000, registered at Police Station Civil Line, District Kaithal.

2. The earlier petition was dismissed as withdrawn on 1.2.2022 with liberty to approach the Sessions Court to show change in circumstances, as one of the co-accused was granted bail.

3. Brief facts are that a complaint was made by Yogesh. He narrated that online fraud was committed through UPI (Unified Payments Interface) by means of Paytm and Google Pay and he was defrauded of Rs.1,85,000/-. An enquiry was conducted by the Cyber Crime Cell, Kaithal. During enquiry it was revealed that on 10.12.2020, Rs.74,000/- of complainant was transferred to the bank account of petitioner-Naseem. Recovery of a sum of Rs.18,000/- was made from him and the record of the bank account was taken in possession. The petitioner was arrested on 23.10.2021. He named co-accused Sahid as his accomplice and that he had received share of the amount received by fraud. Co-accused Sahid was arrested on 28.10.2021, he disclosed the manner in which fraud was committed and got recovered Rs.9000/-.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 23.10.2021. It is argued that co-accused Sahid was granted bail by this Court. He submits that the money was paid to the complainant and the matter has been compromised.

5. Learned State counsel opposes the prayer and submits that it is a case of online fraud. The bank transaction proves that the petitioner was directly involved in the crime.

6. Mr. R.K. Malik, Advocate appears for complainant though not impleaded as a party. He on instructions submits that the matter was compromised as the father of petitioner is an old man and he brought Panchayat to the house of the complainant.

7. The observations made hereinafter are only for the purpose of deciding the bail petition and shall not be construed as an expression of opinion on the merits of the case.

8. The allegations against the petitioner are serious and he has a direct involvement. It is an undisputed fact that money of complainant was transferred to bank account of petitioner. The allegations are of economic offence which was committed in a planned manner through electronic medium. The cases involving economic offences are to be dealt differently and in such cases custody cannot be the only ground for granting bail. If got an opportunity, the petitioner would be able to tamper with the evidence. The compromise effected with the complainant by bringing Panchayat in itself is an indicator that petitioner *inspite of* being behind the bars is able to influence the witnesses.

9. The case of the petitioner is not at parity with co-accused-Sahid who was granted bail by this Court. There was no direct evidence against the co-accused, he was named in disclosure statement of the petitioner. On the other

petitioner thereby *prima-facie* directly linking him with the allegations.

10. No case is made out for grant of bail.

11. The petition is dismissed.

12. There is no doubt that considering the seriousness and sensitivity of matter, earnest efforts would be made by trial Court to conclude the prosecution evidence at the earliest.

13. Since the main case has been dismissed, pending application, if any is rendered infructuous.

6th December, 2022

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*

Whether reportable *No*