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

Date of decision : 07.04.2022

1. CRM-M-15152-2021

Upendra Kumar Singh	Vs.	Petitioner
State of Punjab		...Respondent

2. CRM-M-32601-2021

Mohammad Farid Khan	Vs.	Petitioner
State of Punjab		...Respondent

3. CRM-M-16169-2021 (O&M)

Mukesh and another	Vs.	Petitioners
State of Punjab		...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gaurav Sharma, Advocate for the petitioners
in CRM-M-15152-2021 and CRM-M-16169-2021.
Mr. Sandeep Verma, Advocate for the petitioner
in CRM-M-32601-2021.
Mr. Dhruv Dayal, Sr.DAG., Punjab.

MANOJ BAJAJ, J.

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.178 dated 27.08.2020 under Sections 420 and 120-B Indian Penal Code, 1860 and Section 66-D Information Technology Act, 2000 registered at Police Station City-I, Sangrur, District Sangrur, who were arrested on 09.09.2020 and 10.09.2020, respectively.

The contents of the FIR as noticed by the Additional Sessions Judge, Sangrur in his order dated 15.10.2020 (in CRM-M-16169-2021) are as

under:-

“The perusal of the record reveals that complainant Avtar Singh got recorded his statement to the police that he has an account in HDFC Bank. On 14.07.2020 at about 3.30 PM he received a call from mobile no.7436825788 in which the person on the other side addressed himself as employee of HDFC Bank. He said that the complainant's ATM is going to expire and if he wants to renew his ATM Card then he should disclose the OTP got received on his mobile number and on disclosing the same, the complainant's account was debited by Rs.19,997/- in several installments. Thus the complainant was duped by the accused.”

Learned counsel for the petitioners have argued that the investigation of the case is complete as final report stands filed on 02.11.2020, but till date even charges have not been framed. They have further argued that the similarly situated co-accused have already been released on bail vide different orders passed by Judicial Magistrate First Class, Sangrur. According to them, as the trial is not making any headway, therefore, the petitioners be also released on regular bail.

On the other hand, learned State counsel assisted by ASI Nirbhai Singh has opposed the prayer and argued that the petitioner along with their co-accused committed online fraud by misleading the innocent account holders to obtain the one time password and illegally withdrew their money. However, it is not disputed that after filing of the final report, even charges have not been framed. He has further produced the custody certificates dated 06.4.2022 filed by way of affidavit of Jaspreet Singh, PPS, Deputy Jail Sangrur, which indicates that there is no other case pending against the all the petitioners, except against Upender Kumar, who is involved in one another case, wherein, he is on bail.

After hearing learned counsel for the parties, considering the

above background, custody of the petitioners, nature of offences, which are triable by Magistrate, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, which has not yet commenced, therefore, further detention of the petitioners may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petitions are allowed.

07.04.2022

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No