

(232) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14782-2022
Date of Decision: 10.08.2022

SUNNY KUMAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Pradeep Chhoker, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.271, dated 16.11.2021 (Annexure P-1) registered under Sections 379 and 420 IPC, 1860 with Police Station Pillu Khera, District Jind.

2. The present FIR came to be registered at the instance of Sandeep Kumar son of Jaynarayan, who stated that on 13.09.2021, a person named Sunny Kumar son of Sanjay Shukla came to him and informed him that he worked with the SBI Bank and could make a credit card for him. He stated to Sunny that he had an Axis Bank credit card on which his limit was Rs.1,50,000/-. Sunny informed him that he could obtain an SBI card with a Rs.5 lakhs limit. On this, he supplied a copy of his Aadhar Card, PAN Card and the Axis Bank card statement copy. Thereafter, Sunny approached him again on 14.09.2021 and sought his mobile phone. On 16.09.2021, he received a call from 9507429676 and the person stated that he was sending a

link on his phone number and asked him for the One Time Password (OTP). On this, the complainant suspected that some fraud was taken place. Thereafter, he came to know that a sum of Rs.40,000/- had been withdrawn from his credit card on 14.09.2021.

3. The learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. In fact, the allegations in the FIR and the report under Section 173 Cr.P.C. are baseless. A sum of Rs.1,20,000/- already stands recovered from him. The petitioner has been in custody since 21.12.2021 and only 02 out of the 09 prosecution witnesses have been examined so far and since the trial is not likely to be concluded in the near future, therefore, the further incarceration of the petitioner is not required and he be granted the concession of regular bail.

4. On the other hand, the learned State counsel contends that such kinds of cyber crimes are on the rise. The petitioner is involved in one other case bearing FIR No.263 dated 29.10.2021 registered under Sections 379 and 420 IPC with Police Station Pillu Khera, District Jind and being a habitual offender, he does not deserves the concession of regular bail.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner has been in custody since 21.12.2021 and the report under Section 173 Cr.P.C. already stands submitted. Only 02 out of the 09 prosecution witnesses cited in the list of witnesses have been examined till date. Thus, apparently, the trial in the present case is not likely to be concluded in the near future. Further, in FIR No.263 dated 29.10.2021, the petitioner has been granted the concession of regular bail by this Court

vide order dated 31.05.2022 passed in CRM-M-14717-2022. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sunny Kumar son of Sanjay Shukla is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

10.08.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No