

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(221)

CRM-M-16460-2022

Date of decision: - 27.04.2022

Danish

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vivek Goyal, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.726 dated 02.12.2021, registered under Sections 406 and 420 IPC, at Police Station Krishna Gate, Thanesar, District Kurukshetra.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has not been named in the FIR and reference has been made to a lady, who was sitting in the State Bank Branch, Railway Road, Kurukshetra, from whom the complainant had made an enquiry and on the station of the said lady, the complainant was directed to make enquiry from customer helpline number, which was written on the back of said credit card. Thereafter, when he made a call on the said helpline number, the call did not get connected, but in the evening, he received a call from a helpline number and was told that CPP card protection plane is activated and to get the same deactivated, OTP was

required and on disclosing the OTP, an amount of Rs.83,402/- was deducted from the complainant's account. It is further stated that the said lady has not been arrayed as an accused in the present case. Learned counsel for the petitioner has further submitted that the call was made from a helpline number and the said number does not belong to the present petitioner. It is further submitted that no amount has been deposited in the account of the petitioner and he is not involved in any other case. It is also submitted that the petitioner has been in custody since 07.02.2022 and the challan has already been presented and no prosecution witnesses have been examined as yet, thus, the trial is likely to take time. It is also submitted that an amount of Rs.40,000/- was stated to have been recovered from the petitioner and even with respect to balance amount, account of co-accused Firoz has been attached. It is further submitted that no further recovery is to be made from the present petitioner and the present case is triable by the magistrate.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that suchlike online fraud crimes, as has been committed in the present case, are on the rise. It is further submitted that after the arrest of co-accused Subhash @ Gopal, the said co-accused suffered a disclosure statement implicating the present petitioner in this case.

This Court has heard learned counsel for the parties and gone through the paper-book.

It is not in dispute that the petitioner was not named in the present FIR. An amount of Rs. 83,402/- has been deducted from the

credit card account of the complainant and the said amount has not gone into the account of the present petitioner, but has gone into the account of co-accused, namely, Subhash @ Gopal and Firoz and the recovery of Rs.40,000/- has already been recovered from the present petitioner. The account of said co-accused Firoz is also stated to have been attached. The petitioner is stated to be not involved in any other case. Further, the petitioner has been in custody since 07.02.2022 and the challan has already been presented, no prosecution witnesses have been examined as yet, thus, trial is likely to take time. Moreover, the present case is triable by the Magistrate.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

April 27, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes