

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

CRM-M-5310-2023
Date of Decision: 07.02.2023

ASHOK KUMAR MUNDAL

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mohit Rathee, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

Mr. Neeraj Saini, Advocate
for the complainant.

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.58 dated 15.11.2022 registered under Section 420 IPC (Sections 467, 120-B IPC added later on) at Police Station Cyber, District Rohtak.

2. The brief facts of the case are that the complainant-Lakshmi Narayan son of Sh. Prem Singh received a text message on his phone No.9717637136 that his Paytm account was suspended and asked him to update the same. When he (complainant) opened the link he (complainant) received an OTP but despite feeding the OTP into his account, the same was not updated and once again an OTP was received. Thereafter, he (complainant) received a call from a mobile No.8458090333 and the person stated that he was from Paytm services and would help in updating the same.

Thereafter, he (complainant) followed the steps as suggested by the purported

employee of Paytm. He was also asked for his Indusind bank debit card. Since the same could not be linked, he (complainant) disclosed his SBI card number as well. He was asked to follow certain other instructions and ultimately the call was disconnected. The purported employee of Paytm was able to withdraw a sum of Rs.1,47,176/- and Rs.9900/- from his bank accounts.

Based on the aforementioned allegations, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that the investigation has been completed and the entire amount has been refunded back to the complainant as was apparent from Annexure P-2. Since a settlement has been arrived at, the petitioner is a first-time offender and 50 % disabled, he may be granted the concession of regular bail.

4. The learned State counsel submits that cyber crime is on the rise and the allegations against the petitioner do not entitle him to the grant of bail. He, however, does not dispute the fact that a compromise has been effected between the parties.

5. On the other hand, Mr. Neeraj Saini, Advocate has put in appearance on behalf of the complainant and has filed his power of attorney. The same is taken on record. He admits the fact that a compromise has been effected between the parties and states that he has no objection if the petitioner is granted the concession of regular bail.

6. I have heard the learned counsel for the parties.

7. Admittedly, the entire dispute pertains to Rs.1,57,076/-. The amount stands paid as is apparent from Annexure P-2, a copy of the statement

of the complainant-Lakshmi Narayan. In view of the said compromise, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Ashok Kumar Mundal son of Ghanshyam Mandal 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 petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

07.02.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No