

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8738-2023

DECIDED ON: 14th MARCH, 2023

RAJNI

....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 54, dated 03.12.2022, under Sections 420 and 120-B of the Indian Penal Code, 1860 (for short 'the Act'), registered Police Station Punjab State Cyber Crime, District SAS Nagar.

Learned counsel for the petitioner has contended that it is a case of magisterial trial and the petitioner has already suffered incarceration for a period of 3 months and 2 days. The alleged offence of Section 420 IPC is alleged on the averment that by sending fake link on WhatsApp message, the accused petitioner got OTP and usurp the money to the tune of Rs.6,99,990/- from the accounts of the complainant in two separate transactions.

It is asserted that the petitioner was working as an employee with Ujjivan Small Finance Bank wherein the main accused is Vansh Kapoor, who is the owner of the said financial firm and whatever transaction has been done was

merely on the asking of the owner-main accused merely as an employee having no knowledge of what is actually being done.

Learned State counsel has filed a status report by way of an affidavit of Ms. Prabhjot Kaur, PPS, Deputy Superintendent of Police, State Cyber Crime Cell, Punjab, Phase IV, SAS Nagar (Mohali) wherein, it has been specifically stated that the petitioner is accompanying the main accused to open various account in different banks in her name. CCTV footage has already been procured showing the role of the co-accused Vansh Kapoor as well as of the present petition.

Considering the fact that the petitioner is only an employee at Ujjivan Small Finance Bank and has been doing the act under the direct control, supervision and instructions of Vansh Kapoor, who is behind the bars and is the main culprit and is the master mind of such fraudulent transactions conducted by using the cyber crime mode by creating false applications and hacking the mobile numbers through which he got OTP of the bank accounts of the respondent-complainant.

The petitioner is ordered to be released on bail subject to her furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is allowed in view of afore-said terms.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

14th MARCH, 2023
sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No