

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-14423-2023

Date of Decision:-30.05.2023

Manpreet Singh.

.....Petitioner.

Vs.

State of U.T., Chandigarh.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sukhbinder Singh Bawa, Advocate for the Petitioner.

Mr. A.M. Punchhi, Addl. PP., U.T., Chandigarh
assisted by ASI Gulab Singh.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.08 dated 13.07.2022 under Sections 419, 420 & 120-B IPC registered at Police Station Cyber Crime, U.T., Chandigarh.

2. The brief facts of the case are that complainant Harish Goyal was informed by his friend Sunil Gupta about the availability of Platinum premium mobile numbers of the Airtel company and was told about one Aditya Jain who offered the complainant a Platinum Premium mobile number of the Airtel company. A sum of Rs.2,74,544/- was paid by the complainant for the purchase of the platinum mobile number into the Kotak Mahindra Bank account of Aditya Jain. Thereafter, a further amount of Rs.2,08,990/- was also deposited for another number in AU Small Finance Bank. Aditya Jain informed the complainant that the numbers would be activated in 02 days and after that he did not respond to the cause of the

complainant. Therefore the FIR came to be registered. During investigation it was found that the mobile numbers in question from which the calls were made to the complainant were in the name of a co-accused Preshit Chandrakant Narvekar (since granted bail vide order dated 29.03.2023 passed in CRM-M-14773-2023). The KYC details of the said bank account revealed the beneficiary to be one Mohd. Chand Khan. The CCTV footages of the bank namely AU Small Finance Bank were obtained showing that Preshit Chandrakant Narvekar had accompanied Mohd. Chand Khan and had withdrawn Rs.1,80,000/- through cheque. The CCTV footage also revealed that petitioner-Manpreet Singh had accompanied the accused to the AU Small Finance Bank when the accounts were opened. Based on this evidence, Preshit Chandrakant Narvekar was arrested on 24.08.2022. He disclosed about his co-accused Manpreet Singh (petitioner) who was also arrested. A Debit Card and passbook were recovered from him. The investigations revealed that all the accused had actively participated in the commission of cheating of Rs.4.83 lacs with the complainant.

3. The Counsel for the petitioner contends that there is a significant delay in the registration of the FIR. The petitioner is not the beneficiary of the alleged cheated amount of Rs.4.83 lacs. The said amount was transferred in the account of Mohd. Chand Khan. Therefore, no recovery had also been effected from the petitioner. Since the petitioner was in custody since 24.08.2022 and none of the 15 prosecution witnesses had been examined so far, he was entitled to the grant of bail more so as the case was triable by the Court of a Magistrate and Preshit Chandrakant Narvekar had been granted bail by this Court vide order dated 29.03.2023.

4. The learned Counsel for U.T., Chandigarh on the other hand contends that the petitioner is one of the main accused involved in the

present crime. Offences of this kind were on the rise. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He however admits that the co-accused Preshit Chandrakant Narvekar has been granted the concession of bail.

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

6. This Court in the case *titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab* bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held that in cases triable by a Magistrate unless there are serious allegations of accused absconding from trial, or tampering with the evidence, bail should be declined only in exceptional circumstances. Nothing specific has been pointed out by the prosecution that the petitioner would abscond from justice or tamper with the evidence if he was granted the concession of bail.

7. The allegations against the petitioner shall be established during the course of Trial. The petitioner is in custody since 24.08.2022. None of the 15 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. As such his further incarceration is not required more so when the case is Triable by the Court of a Magistrate.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Manpreet Singh son of Sh. Pardeep Singh 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

case mentioned hereinabove.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 30, 2023

Vinay

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