IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-14773-2023(O&M)

Date of Decision:-29.03.2023

Preshit Chandrakant Narvekar.

......Petitioner.

Vs.

State of U.T., Chandigarh.

......Respondent.

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

Present:- Ms. Renu, Advocate for the Petitioner.

Mr. A.M. Punchi, PP for U.T., Chandigarh

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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 the petitioner. 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 the petitioner had accompanied Mohd. Chand Khan and had withdrawn Rs.1,80,000/- through cheque. The CCTV footage also revealed that co-accused Manpreet Singh had accompanied the accused to the AU Small Finance Bank when the accounts were opened. Based on this evidence, the petitioner was arrested on 24.08.2022. He disclosed about his co-accused Manpreet Singh who was also arrested. Four mobile phones, Sim Cards, Debit Cards of Federal Bank and Canara Bank and passbooks were recovered. 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 04.08.2022 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.

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, more so when he had criminal antecedents and was an accused in a case bearing CR No.25/2022 under Sections 419, 420, 465, 468, 471 IPC r/w 66-C, 66-D IT Act and 103-G Trademark Act, Police Station-Cyber Crime, Mumbai.

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 04.08.2022. 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-**Preshit Chandrakant Narvekar** son of Sh. Chandrakant Narvekar 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

March 29, 2023
Vinay

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