

205

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

**CRM-M No. 20284 of 2023
Date of Decision: 30.05.2023**

Anjali ... Petitioner
Versus
State of U.T. Chandigarh ... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Harish Kumar Bhatti, Advocate for petitioner.

Mr. Ashu Mohan Punchhi, P.P. UT Chandigarh.

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SANJIV BERRY, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.9 dated 01.02.2023 under Sections 419, 420, and 120-B of IPC registered at Police Station Cyber Crime, Chandigarh (Annexure P-1).

2. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submitted that no specific role has been attributed to the petitioner, a lady aged about 27 years. He submitted that as per the prosecution version the name of the petitioner was disclosed by accused Amit Kumar in his disclosure statement dated 19.02.2023 whereas strangely the notice under

Section 41-A Cr. P.C. was issued on 18.02.2023 to the mother of petitioner which is prior even to alleged disclosure statement of accused Amit Kumar dated 19.02.2023. He submitted that the main accused Amit Kumar has since been granted bail by learned Additional Sessions Judge, Chandigarh on the basis of compromise dated 24.04.2023 effected between the complainant and the accused including the present petitioner in the present FIR wherein the offences are compoundable with the permission of Court. He as such prayed for grant of bail to the petitioner.

3. The learned State counsel has filed custody certificate showing the petitioner being in custody for 3 months and 06 days. The same is taken on record.

4. Learned State counsel has vehemently opposed the bail application by arguing that the petitioner has been actively involved along with other co-accused in committing the cyber crimes whereby the innocent persons were defrauded of their hard earned money in the banks by making fraudulent phone calls regarding enhancement of credit limit etc. qua their bank cards. He submitted that four mobile phones and a diary was recovered from the petitioner. He further contended that such like cyber crimes are on a rise in the country and therefore, considering the gravity of the offence the petitioner is not entitled to concession of bail. He, however, submitted that as per custody certificate the petitioner is in custody for 3 months 06 days till date and there is no other case registered against the petitioner.

5. After considering the rival contentions and going through the record, it transpires that as per the case of the prosecution, the petitioner was

nominated as an accused on the basis of the disclosure statement of co-accused Amit Kumar dated 19.02.2023. She was arrested on 21.02.2023 and from her possession four mobile phones and a diary were recovered. Admittedly, the co-accused Amit Kumar had been enlarged on regular bail by learned Additional Sessions Judge, Chandigarh vide order dated 22.05.2023, wherein there is mention of the factum of compromise dated 24.04.2023 having been effected between the complainant and the accused including the present petitioner for the offences in the present FIR which are compoundable with the permission of the Court. It is also debatable as to how the notice under Section 41-A Cr.P.C was issued qua the present petitioner on 18.02.2023 on the basis of the disclosure statement of co-accused Amit Kumar which in fact was recorded on 19.02.2023.

6. As per custody certificate the petitioner have spent 3 months and 06 days in custody and no other case is registered against her. Furthermore, the challan has already been presented against the petitioner in Court meaning thereby that she is no more required for further investigation. The criminal liability, if any, of the accused-petitioner shall be determined only after the trial and no purpose would be served by keeping the petitioner in custody any longer.

7. In view of the facts and circumstances, without commenting on the merits of the case the petition is disposed of, thereby admitting the petitioner to bail on her furnishing bail bonds in the sum of ₹1,00,000/- with one surety in the like amount to the satisfaction of learned CJM/Duty Magistrate concerned. The petitioner is further directed to regularly appear

before trial Court; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.05.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |