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

CRM-M-26480 of 2022
Date of decision: 25.01.2023

Azharudeen Ansari

...........Petitioner

versus

State of Haryana

.......Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ravinder Bangar, Advocate, for the petitioner.
Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

Reply by way of affidavit of Dr. Mayank Gupta, IPS, Assistant Superintendent of Police, Kharkhoda, Sonipat, has been filed on behalf of the respondent-State, which is already on record.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.95 dated 06.03.2021 under Sections 379, 420 IPC and lateron added Sections 201, 120-B, 379, 420, 467, 468, 471 IPC and Section 68 of the IT Act, registered at Police Station Gohana City, District Sonipat.

Brief facts of the case are that on 06.03.2021 a written complaint was received in the Police Station in which it was reported that after hacking account No.01092020000180 and by opening four other accounts, Rs.15,53,480/- have been taken out by way of fraud. The complainant stated that he is having saving bank account

No.01092020000180 OBC (Punjab National Bank), Samta Chowk, Gohana. The account is connected to net/mobile banking. The facility of net/mobile banking was not working properly. Therefore, on 03.03.2021 on making search on Google, he had talked with Care Customer at No.8653346608. He received a message to wait for 72 hours for PNB fund transfer. Further stated that complainant became carefree. Later on, he came to know that from his account on 05.03.2021 Rs.2.0 lacs, another Rs.2.0 lacs and Rs.8,380/- have been transferred by way of fraud by some unknown person. He received messages in this regard on 05.03.2021 on his mobile phone. He also received message of four other accounts on his mobile phone on 04.03.2021 but the messages of four other accounts were ignored by him. He went to PNB, Gohana on 05.03.2021 and came to know that with the name of complainant, four other Over Draft accounts have been opened by way of fraud by hackers. The complainant provided the details of those account numbers in complaint and told that total Rs.11,45,100/- were withdrawn by way of fraud. In this manner, complainant has been defrauded of an amount of Rs.15,53,480. A request was made to take legal action and to recover the amount taken out from his account by way of fraud. Upon it, above referred FIR was registered. During investigation, record of opened accounts was collected so also details of account No.01092020000180 of complainant. It was further found out that accounts of complainant were opened on-line and by showing transactions of loan on the FD of Rajender Singh. It was also found out that amount of Rs.2.0 lacs through IMPSOUT/10670441099/9229491/9792218271, Rs.2.0 lacs in account No.1932010094850 belonging to Amalesh Paul and Rs.8380/- in account

No.917000102060556 belonging to Syed Waiz Haider Zaidi were transferred from his account. Similarly, on 04.03.2021 other transaction of transfer of Rs.2.0 lacs from account No.010910910000089 was found out. On 05.03.2021 transaction of transfer of Rs.85,000/- in account No.917000102060556, Rs.2.0 lacs in account No.1932010094850 and Rs.1,90,000/- in account No.917000102060556 were found out. On 05.03.2021, transaction of transfer of amount of Rs.1,40,000/- in account 917000102060556 were also found out. On 04.03.2021 an amount of Rs.2.0 lacs were found transferred in account No.4342010028470 belonging to Shankar Lal Verma. On 04.03.2021 transactions of transfer of amount of Rs.1,97,000/- from account No.4342010028470 and Rs.2.0 lacs from account No.09109100000052 in account No.866213000159 belonging to Nilesh Jaiswala were found out. Similarly, on 05.03.2021, an amount of Rs.43,000/- were found transferred from account No.917000102060556. In FIR No.90 dated 03.03.2021, under Sections 420, 467, 468, 471, 120B and 201 IPC, PS Ladwa, District Kurukshetra, petitioner-Ajruddin Ansari and Sanjeev Kumar Rawat suffered disclosure statements for using account No.046101514627 and mobile No.9792218271 in commission of crime. Same mobile number and account number were found used in commission of crime in this FIR. Production warrants of petitioner along with Sanjeev Kumar were got issued and both were arrested in this case and their police remand was obtained. Petitioner along with Sanjeev Kumar identified the place of ATM booths from where they withdrew the amount. ATM ID was also matched with ATM ID for withdrawing the amount by way of fraud. They also identified the place where they gave money obtained by them by way of fraud to Shamsher alias Salman. Shamsher alias Salman is still evading his arrest. Mobile No.9792218271 was found belonging to Arvind Kumar son of Rajinder Parshad, resident of Balarpur Kothi, Police Station Mailani, District Khiri, UP. He was also joined in investigation in this case and offence under Sections 467, 471, 120B, 201 IPC were added. Section 88 of IT Act was also added. During investigation, it was also found out that petitioner-Ajruddin Ansari along with his companions Sanjeev Kumar Rawat and Shamsher alias Salman after hobnobbing with bank officials by way of oline fraud used to withdraw the amount. Petitioner used to withdraw the amount by way of fraud through ATM and after deducting his own commission he handed over remaining amount to Shamsher alias Salman.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that no recovery has been effected from the petitioner. Learned counsel further submits that investigation in the present case is complete and challan has been presented; charges have been framed; out of total 19 prosecution witnesses 11 have been examined and now the case is fixed for 25.01.2023 for prosecution evidence. He submits that petitioner is in custody since 21.10.2021. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel opposes the prayer for grant of regular bail to the petitioner contending that petitioner was actively involved in the crime and he is an habitual offender as he is involved in two more cases of similar nature.

Learned counsel for the petitioner submits that in those cases, petitioner has already been granted regular bail by this Court vide orders dated 16.05.2022 and 31.10.2022 passed in CRM-M-9695 of 2022 and CRM-M-49120 of 2022.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is about 01 year 03 months and 04 days; investigation is complete; challan has been presented; charges have been framed; out of total 19 prosecution witnesses 11 have been examined and now the case is fixed for 25.01.2023 for prosecution evidence; no recovery has been effected from the petitioner and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

(NAMIT KUMAR)
JUDGE

25.01.2023
R.S.

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