

CRM-M-32494-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-32494-2023 (O & M)****Date of decision: 14.07.2023**

Pukhraj Vaishnav

.... Petitioner

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rakesh Kumar Lathwal, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Anil Kumar, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.04 dated 03.10.2022 under Sections 120-B, 406, 419, 420, 467, 468, 469, 471 IPC and (Sections 506 and 469 IPC added later on) registered at Police Station Cyber Sonapat, District Sonapat, Haryana.

2. The brief facts of the case are that an application was moved by the complainant-Chanchal Rani, who reported that she had been working with the Railways Department and some of her known persons introduced her to Foreign Exchange Trading and assured her that she could get sufficient income from the trading business. She was provided a Whatsapp Number on which she spoke to certain persons who got her to open an account for trading. On their instructions, she deposited a sum of

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on, she came to know that the Facebook I.D. and mobile numbers were forged and fabricated and someone had duped her by involving her in the trading business. On the basis of the complaint, the instant FIR came to be registered.

During investigation, the investigating agency found that an amount of Rs.12,80,000/- was transferred in a bank account in SBI through RTGS and Rs.3,40,000/- was transferred in an account in Yes Bank. When the details of the said accounts were checked, it was found that the said account was opened by Mahadev Fashions through its proprietor-Deepak Kumar Roy. At the time of opening of the said account, Deepak Roy had furnished an address which was found to be fake.

It was also found that one Vikram had opened a bank account in the name of Maha Laxmi Services in IDFC Bank and when the said Vikram was joined in investigation, he disclosed that he was asked by Pukhraj Vaishnav (petitioner) to open the account. Subsequently, Pukhraj Vaishnav (petitioner) was joined in investigation and on the basis of his disclosure statement, the accused Adesh Soni, Raghav Soni (since granted bail vide order dated 30.05.2023 passed in CRM-M-26553-2023, Annexure P-2) and others were arrested. The co-accused-Raghav Soni suffered his disclosure statement that in March 2022, he had come in contact with Razzak who allured him to open an account in the name of a fake firm to earn profit and thus, he met with one Ankit who was also asked to open an account and a sum of Rs.1,50,000/- was paid and he (Raghav Soni) used to receive Rs.20,000-25,000/- per account as commission. He further disclosed that Ankit, Adesh Soni and Pukhraj (petitioner) had opened a forged firm

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from one person to another who used to take his commission and forward the kit to the other. As per his disclosure statement he had allured Vikram to open an account in the name of Maha Laxmi Services and after opening of the account, Vikram had handed over all the documents such as cheque book, ATM card, Net Banking, user name and password to him (Raghav Soni) and he transferred the said kit to the other co-accused.

3. The learned counsel for the petitioner contends that a compromise has been effected between him and the complainant. As the petitioner was in custody since 28.02.2023, the investigation stood completed and none of the 10 prosecution witnesses had been examined so far, he was entitled to the grant of bail, moreso, when one of his co-accused- Raghav Soni had been granted the similar concession.

4. The learned counsel for the State, on the other hand, contends that serious allegations had been levelled against the petitioner and his co-accused. Cyber crime was on the rise and criminal such as the petitioner did not deserve any sympathy. Therefore, the concession of bail ought not to be granted to the petitioner. He, however, does not dispute the fact that the challan stands submitted and none of the 10 prosecution witnesses had been examined so far.

5. The learned counsel for the complainant, on the other hand, submits that in terms of the compromise/affidavit (Annexure P-1), he has no objection if the petitioner is granted the concession of bail.

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

7. Admittedly, the petitioner is in custody since 28.02.2023, the report under Section 173 Cr.P.C. stands submitted, and thereafter, none of

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Trial of the present case is not likely to be concluded anytime soon. Further, a compromise has been effected between the parties in terms of which the complainant has stated that she would have no objection if the petitioner is granted the concession of bail. A co-accused-Raghav Soni has been granted the similar concession.

8. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner-Pukhraj Vaishnav is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case/crime other than the present one.

10. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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 trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

July 14, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No