

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

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1.

Suroor E

2023:PHHC:163333
CRM-M No.47772 of 2023
Date of decision: December 16th, 2023

.....Petitioner

Versus

State of Punjab

.....Respondent

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2.

Shahal

CRM-M No.51465 of 2023

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vishnu Dutt and Mr. Naveen Bawa, Advocate
for the petitioners.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

Mr. Rohit and Ms. Kuljeet Kaur, Advocates
for the complainant.

MANJARI NEHRU KAUL, J.

This order shall dispose of the above-mentioned petitions as they arise out of same FIR i.e. FIR No.25 dated 07.08.2023 registered under Section 420, 383, 384, 466, 468, 470, 471, 506, 120-B of the IPC and Sections 66 (C), 66 (D) of the Information Technology Act, 2000, at Police Station Cyber Crime, S.A.S. Nagar.

2. In CRM-M-51465-2023, learned counsel for the petitioner-Shahal, has submitted that the petitioner has been falsely implicated in the instant case; a perusal of the FIR in question clearly reveals that neither has he been named therein nor any role attributed to him. It has been

further submitted that the name of the petitioner surfaced during a disclosure statement allegedly made by a co-accused, and such disclosure statement has very weak evidentiary value. It has been further submitted that neither the petitioner had ever got in touch with the complainant nor the bank account mentioned in the FIR in question belongs to him. Learned counsel has asserted that no amount of money was ever received by him from anyone much less the complainant.

3. In CRM-M-47772-2023, learned counsel for petitioner-Suroor E has also submitted that the petitioner has been falsely implicated in the case in hand, which is evident from the fact that he too was not named in the FIR nor any role attributed to him therein. It has been further submitted that even the phone number, which has been mentioned in the FIR, does not belong to him. Learned counsel for the petitioner has also asserted that no amount of money was ever received by the petitioner much less from the complainant.

4. Learned counsel appearing for the State has vehemently opposed the prayer made by the learned counsel for the petitioners and has submitted that the petitioners are active members of a gang, which has played a huge online fraud on the complainant by impersonating themselves as officials of the Narcotics Division, Mumbai; they told the complainant that her Aadhaar Card was found attached with a parcel containing narcotic substances and they asked her to cooperate with the investigating agency. In the garb of this investigation, they blackmailed and duped the complainant of an amount exceeding ₹62 lakh. Learned State counsel has further submitted that the petitioners had played an active role in this fraud as it was matter of record that ₹2.7 lakh had

been transferred in the name of petitioner-Shahal, who later on handed over the said amount to petitioner-Suroor E. Learned counsel has submitted that the petitioner was arrested from Kerala and he along with the co-accused had been operating from there and had been duping innocent people of various sums of money. Learned State counsel has submitted that since the charges have not been framed and even prosecution evidence not commenced, in case the petitioners are enlarged on bail, they could abscond during the pendency of the instant petitions. Learned State counsel has, therefore, vehemently prayed for dismissal of the instant petitions.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioners were arrested on 11.08.2023, however, charges have not yet been framed. In the facts and circumstances as enumerated hereinabove, keeping in view of the nature of allegations levelled against the petitioners, coupled with the fact that their area of illegal activities i.e. online fraud is spread all over the country, as apprised to this Court by the learned State counsel, they do not deserve the concession of bail.

7. The instant petitions are dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Copy of this order be placed on the file of connected case.

December 16th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No