

215

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

**CRM-M-53291-2022
Date of Decision: 16.05.2023**

Gideon

..... Petitioner

Versus

State (U.T., Chandigarh)

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P., U.T., Chandigarh.

HARSH BUNGER J. (ORAL)

1. Petitioner (Gideon) has filed the present petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in case bearing FIR No.11 dated 18.07.2022, under Section 120-B, 419 and 420 of the Indian Penal Code, registered at Police Station Cyber Crime, Chandigarh.
2. Status report by way of affidavit dated 25.02.2023 of Mr. Mridul (I.P.S.), Additional Sub Inspector, Cyber Crime has been filed on behalf of the respondent/U.T., Chandigarh, which is already on record.
3. Custody certificate dated 03.02.2023 of the petitioner is filed by learned counsel for U.T., Chandigarh, which is taken on record, subject to all just exceptions.

Manpreet Kaur d/o Sukhvender Singh, wherein it was stated that in the month of July, 2021, she got herself registered on Shaadi.com and in the month of August, 2021, one Amit Bedi sent her a request. However, as the said Amit Bedi had a paid I.D. on Shaadi.com, from where he got the mobile number of complainant and started calling her on WhatsApp from his mobile number, being +1(815)452-8506, from New Jersey. He proposed the complainant for marriage and said that he was coming to India on 01.09.2021 for marriage, to which the complainant agreed. Thereafter, on 01.09.2021, she received a call on her mobile number from two mobile numbers (7775095639 and 8471812217), stated to be of the Airport Authority, whereby she was told that Amit Bedi has reached at Mumbai Airport but is carrying excess quantity of American Dollars with him, on which the tax shall have to be paid, otherwise he would be sent to the jail. Thereafter, two Bank Account Numbers, being 50100409516218 of H.D.F.C. Bank and 772502010003127 of U.B.I.N., were sent to the mobile number of complainant, whereupon she deposited Rs.100/-, Rs.24,400/-,, Rs.45,500/-, Rs.51,000/-, Rs.1,99,900/- from her bank account No.232601000534 of the I.C.I.C.I. Bank in the aforesaid bank account numbers. However, after that, the aforesaid persons started demanding more money from the complainant, whereupon she realised that a fraud has been committed upon her.

5. As per the present FIR No.11 dated 18.07.2022, raid was conducted at Gama 2, Greater Noida, Uttar Pradesh, by following the location of mobile number 8527717167 and on 19.07.2022, the petitioner herein (Gideon) was arrested from his residence and two mobile phones, one make SAMSUNG Galaxy M01 Core, bearing I.M.E.I. Numbers

3538535721996421, 355198672196428 and another make Nokia bearing I.M.E.I. Number 358282092582698, including mobile number 8527717167, were recovered from his possession. Further, 26 blank/cloned debit cards, one card cloning machine, C.D., black Cable and three laptops were also recovered from the residence of petitioner.

6. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated as he is neither named in the aforesaid FIR nor any specific role has been attributed to him. It is submitted that the petitioner is a Nigerian, who is pursuing his studies at University in Lucknow and is registered with the Foreigners Regional Registration Office (F.R.R.O.), Lucknow. In this regard, reliance is place upon the letter issued by the Advisor of Lucknow University dated 30.11.2021 (Annexure P-2) and E-F.R.R.O. Form dated 07.03.2022 (Annexure P-3). It is stated that the petitioner has been regularly attending his classes and he was picked up by the police from Noida (Uttar Pradesh). It is further stated that the alleged recovery of articles is foisted upon the petitioner and the aforesaid FIR is based on total manipulation, concealment and suppression of true and material facts and the petitioner has been made a scapegoat by the Investigating Agency to conclude the investigation. Learned counsel contends that the money transactions in question were carried out by the complainant in the month of September, 2021, however the petitioner was arrested by the police on 19.07.2022. It is stated that the petitioner has no concern either with the aforementioned mobile numbers or the Bank Accounts and moreover, the said bank accounts are in the name of Indians. Learned counsel contends that the petitioner has a valid student Visa and there is nothing on record to connect the petitioner with the

alleged crime.

7. It is further stated that the petitioner applied for grant of regular bail before the Court of Additional Sessions Judge, Chandigarh, which was wrongly declined vide order dated 17.10.2022. It is stated that the petitioner is in custody for a period of six months and fourteen days (as on 03.02.2023) and investigation in the case is complete qua the petitioner. It is further stated that out of the total ten prosecution witnesses, only one (complainant) has been examined so far and no useful purpose would be served with further incarceration of the petitioner. Learned counsel for the petitioner submits that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

8. Learned counsel for U.T., Chandigarh opposes the plea of petitioner for grant of regular bail on the ground of seriousness and gravity of offences. However, it is not disputed by learned counsel for U.T., Chandigarh that the petitioner is in custody for a period of six months and fourteen days (as on 03.02.2023) and investigation in this case is complete qua the petitioner. It is also not disputed that out of the total ten prosecution witnesses, only one witness, being the complainant, has been examined so far. Learned counsel for U.T., Chandigarh fairly states that the petitioner is not involved in any other case.

9. I have heard learned counsel for the parties and perused the paper book, status report as well as custody certificate of the petitioner.

10. In this case, the petitioner is in custody for a period of six months and fourteen days (as on 03.02.2023) and no other case is pending against the petitioner. Investigation in the case is complete against the

petitioner and out of the total ten prosecution witnesses, only one prosecution witness, i.e. the complainant, has been examined by now, hence no useful purpose would be served by keeping the petitioner behind bars for indefinite period.

11. Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case/trial and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also appear before the concerned Police Station/Station House Officer on first Monday of every month till the conclusion of trial and on each such appearance, the petitioner shall submit an affidavit to the concerned Police Station/Station House Officer that he is not involved in any other case, apart from the present one.

12. In addition, the petitioner (or anyone on his behalf) shall prepare a Fixed Deposit Receipt (F.D.R.) in the sum of Rs.50,000/- and submit the same with the trial Court. The same would be liable to be forfeited as per law, in case the petitioner remains absent from trial without any sufficient cause.

13. Nothing expressed hereinabove shall be construed to be an

observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

14. The petition is accordingly disposed of.

16.05.2023

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No