

CRM-M-56209-2022

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2023:PHHC:063068

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

CRM-M-56209-2022

DECIDED ON: 02.05.2023

Farjul Ansari

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr.Munfaid Khan, Advocate, for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J

Prayer in this petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.501 dated 28.07.2018, under Sections 419,420,380,201,120-B IPC and Sections 66-C and 66-D of Information Technology Act, 2000, registered at Police Station Surajkund, District Faridabad.

The case of the prosecution was registered at the instance of complainant Poonam Rani on the allegations that she received a call from Bank that there were transactions initiated from her account through UPI. Upon this, she visited her Bank Branch and found that the balance in her bank account was Nil. During investigation, it was found that the accused persons used to commit ATM frauds. They used to make calls to the customers for upgrading their SIM cards from 3G to 4G network and used to get the account details from the customers. They also used to

prepare fake ATM cards with swapping machines and then used to transfer money from the account of customers to their own accounts.

As per the status report, the name of the petitioner surfaced in disclosure statement suffered by co-accused Mujahid. Petitioner could not be arrested and was declared Proclaimed Offender. He surrendered in the Court on 08.09.2022. Chalan in this case has already been filed.

Learned counsel for the petitioner submits that no amount was transferred in the account of the petitioner, rather he was not aware about the registration of the case against him and on coming to know, he surrendered in the Court. Further it is submitted that the case is triable by Judicial Magistrate and co-accused Mujahid, on whose statement, petitioner is nominated and Anshu Kumar Dass, have already been granted bail by the learned Additional Sessions Judge, Faridabad vide order dated 21.12.2019 (Annexure P-4). Co-accused Irfan Ansari has already been granted bail by learned Additional Sessions Judge, Faridabad vide order dated 17.12.2019 (Annexure P-3). It is also submitted that co-accused Gulam Sarwar has also been granted bail by a Co-ordinate Bench of this Court vide order dated 07.02.2023, passed in CRM-M-1154-2023.

Learned State counsel has opposed the petition but has fairly conceded to say that petitioner is in custody since 08.09.2022 and co-accused have already been granted bail.

Heard.

The petitioner was involved in this case on the basis of disclosure statement made by co-accused while in custody. It would be

seen during the trial what importance can be given to the said statement.

No recovery is effected from the petitioner and he is not the direct beneficiary. He is not involved in any other case except the case under Section 174 -A IPC, which is off shoot of this case. Co-accused have already been granted bail; case is triable by Magistrate and completion of trial will also take long wtime.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/CJM/Duty Magistrate, concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

02.05.2023
mamta

(GURBIR SINGH)
JUDGE

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