

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60544-2023
Date of decision: 07.12.2023

ABINU D AND ANR

...PETITIONERS

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Anil Goel, Advocate for the petitioner.
(through video conferencing)

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

Prayer in the present petition is made for grant of regular bail in case FIR No. 0016 dated 18.10.2023 registered under Section 406, 419, 420 of Indian Penal Code at Police Station Cyber Crime, Hansi.

2. Mr. Narender Kaajla, Advocate appeared and filed his memo of appearance on behalf of complainant. He undertakes to file his power of attorney on or before the next date of hearing.

3. The present FIR was lodged at the statement of Surrender on the allegations that on 14.08.2023, a message was received on his mobile through Whats App and Telegram link was sent by a Whats App number. The complainant by using the link, joined Gobal Work Telegram Group. Some videos were sent to the complainant on Whats App and the complainant was asked to like those videos. On the basis of the same, Rs.150/- were transferred in the bank account of the complainant. Twice thereof, Rs.150/- were transferred in the bank account of the complainant. The complainant was

assigned another task and asked to deposit Rs.2,000/- for the same. After completion of the task, the complainant received an amount of Rs.2,800/- in his account. In this way, through 19 transactions, the complainant was trapped and defrauded through online fraud of Rs.4,75,000/-. In this regard, online complaint before the Police Station of Cyber Crime, Hansi was made and the present FIR was registered on the basis of the statement made by the complainant.

4. Learned counsel for the petitioners *inter alia* contends that the petitioners are falsely implicated in the present case. He further submits that whenever, the petitioners were called by the investigating agency and they had come all the way from Kerala to appear before the Investigating Officer and fully co-operated with the investigation. There is no direct evidence with regard to the complicity of the petitioners in the alleged crime. Both the petitioners have clean antecedents and they were not involved in any other criminal case prior to the registration of the present FIR.

5. Per contra, learned counsel for the complainant submits that complainant has been trapped in an online fraud and there is a direct evidence of the deposit of the money in the bank accounts. Further apprehension is raised in case the petitioners are released on bail, they will not appear before the trial Court regularly and will impede progress of the trial.

6. Learned State counsel has opposed the grant of bail to the petitioners on the ground that cyber crime is on the rise in the society and helpless youngsters are being made victim of the cyber crime. The case is still under investigation and the petitioners are not entitled to regular bail.

7. Having heard learned counsel for the parties and after going

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through the record of the case with their able assistance, it transpires that petitioners are behind the bar since 18.10.2023 and they are not involved in any other case. The offences under which the FIR is lodged are punishable upto 07 years and the case is triable by the Magistrate. The culpability of the petitioners would be seen at the time of the trial.

8. Accordingly, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

9. In addition, the petitioners or any one of their behalf shall prepare a Fixed Deposit in the sum of Rs.50,000/- each (Rupees Fifty Thousand Only) and deposit the same with the trial Court. The same would be liable to be forfeited in case the petitioners absent from attending the trial without sufficient cause.

10. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

December 07, 2023
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |