

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-6074-2024  
DECIDED ON: 09.02.2024

MOHD. MAJID ALAIS MOHD. MAZID  
.....PETITIONER  
  
VERSUS  
  
STATE OF UT CHANDIGARH AND OTHERS  
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Siddharth Pandit, Advocate  
for the petitioner.  
  
Mr. J.S. Toor, APP, U.T., Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.04, dated 17.01.2023, under Sections 419, 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Cyber Crime, Chandigarh.
2. The present case was registered on the complaint of Surinder Jit, r/o 462, Type-2, CRPF Camp, Hallo Majra, Chandigarh wherein he has reported that on 14.12.2022 he received a whatsapp call from unknown person on his mobile number 8837781361 and the caller stated that he was calling from Canada. He thought that the voice of the caller is of his cousin brother Kuku and the caller told him that he was sending some amount to him upon which he provided his SBI account No.30357223235 to caller. After sometime, a receipt of Rs.15,70,400/- was sent to him on his whatsapp. Further, he received a whatsapp call and the caller told him that the health of his agent's mother is not well and he require some amount. The caller provided his account No.41425907679, SBI Bank. The complainant

transferred a total of Rs.1 lac in alleged bank accounts. Later on when he verified he found that no amount of Rs.15,70,400/- was transferred to his account and he had been cheated. On the basis of the said complaint, FIR in this case was registered.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 21.01.2023. He submits that the petitioner has been falsely implicated and has nothing to do with the offence as the name of the petitioner does not figure in the FIR. He has placed reliance upon an order dated 08.01.2024 passed by this Court in CRM-M-25582-2023, wherein co-accused of the petitioner namely Faisal Ansari has been granted the concession of regular bail.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition on the ground that the petitioner is involved in one another case bearing FIR No.07/2023, under Sections 419 and 420 of IPC, registered at Police Station City Kaithal, Haryana, though he could not controvert the fact that the petitioner is at parity with the co-accused namely Faisal Ansari.

5. Be that as it may, considering the fact the petitioner has suffered incarceration of 1 year and 20 days and in the other case, he is on bail added with the fact that he is at parity with the other co-accused, no useful purpose would be served by keeping the petitioner behind the bars for an uncertain period, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “bail is rule and jail is an exception”.

6. As far as the contention of learned State counsel with regard to pendency of other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, this Court observed that

pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

7. In light of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
8. The present petition is hereby allowed.
9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

09.02.2024

(SANDEEP MOUDGIL)  
JUDGE

Meenu

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No