

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6242-2023
Decided On: 02.04.2024

AGODO CHINONSO FRANKLYN @ WILLIAM

.....PETITIONER(s)

Versus

STATE OF PUNJAB

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jagpal Singh, Advocate for
Mr. Rahul Sharma, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

1. This is the petition under Section 439 Cr.P.C., praying for regular bail in case FIR No.22 dated 26.04.2022 under Sections 420, 511, 201 and 120B of IPC and Section 66(C) and 66(D) of Information Technology Act, 2000, registered at Police Station Punjab State Cyber Crime Police Station, SAS Nagar, District Crime Wing, SAS Nagar, Mohali.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has not been named in the FIR, which has been annexed as Annexure P-1 nor any suspicion raised therein qua his involvement in the crime in question; rather he has been nominated as an accused on the basis of a disclosure statement allegedly suffered by the co-accused Anioke Hyginus Okwudili @ Poka, wherein he falsely stated that the petitioner was in active participant in the crime in question. Learned counsel submits that other than the disclosure statement allegedly suffered by the co-accused there was no material collected by

the investigating agency, which could connect the petitioner with the alleged transactions carried out by the co-accused. A prayer has therefore been made to enlarge the petitioner on bail as he has now been in custody since 03.07.2022 and the trial has not yet concluded.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions from Inspector Zorawar Singh, has informed this Court that the petitioner who is a foreign national along with the co-accused, who too is a foreign national had been sending Whatsapp messages in the name of senior government officials as well as some ministers and thereafter, duping them of lakhs of money through online banking. It has also been submitted that the petitioner is facing trial for one other case of similar nature. Learned State Counsel has disputed the submissions made by the counsel opposite qua there being no material collected by the investigating agency, other than the disclosure statement of co-accused to connect the petitioner with the alleged crime. He has submitted that the laptops, mobile phones, etc., which were recovered from the petitioner were sent to the FSL, wherein a positive opinion had been sent with respect to the nexus of the petitioner with the co-accused in the commission of crime. It has also submitted that there are various bank transactions between the petitioner and the co-accused, which further nail him in the crime in question. Learned State counsel has still further submitted that only 11 witnesses, who are formal, in nature, remained to be examined and hence, the trial would not take much time to conclude.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances enumerated hereinabove, coupled with the allegations leveled against the petitioner and also his criminal antecedents, this Court does not deem it fit to extend the concession of bail to the petitioner.
6. Accordingly, the instant petition stands dismissed.
7. 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.

02.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No