

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

246

2024:PHHC:035298

CRM-M-11779-2024

Date of decision: March 12th, 2024

Dattatreya Kundu

.....Petitioner

Versus

State of UT Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhishek Joon, Advocate
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, U.T. Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.100 dated 04.10.2023 under Sections 419, 420, 120-B of the IPC registered at Police Station Cyber Crime, U.T. Chandigarh.

2. Learned counsel for the petitioner submits that on account of some misunderstanding, the FIR in question came to be lodged against him, however, subsequently, the parties had ironed out their differences and resolved the dispute between themselves. It has been further submitted that the petitioner has clean antecedents and is not involved in any other criminal case much less a case of similar nature. Learned counsel has also submitted that investigation in the case at hand is complete as challan stands presented. Hence, in the circumstances, his further incarceration would serve no useful purpose as there could be no apprehension of the petitioner tampering with any evidence or trying to influence/intimidate the witnesses.

3. Mr. Guraman Singh, Advocate, has entered appearance on behalf of the complainant and has not disputed the submissions made by the counsel opposite that the parties have amicably settled all their disputes. He submits that he would have no objection in case the petitioner is enlarged on bail.

4. Learned counsel appearing for the U.T. Chandigarh has, on instructions from S.I. Satyawan, informed the Court that the challan was presented in the instant case on 12.12.2023.

5. On a pointed query, learned counsel for the U.T. Chandigarh has not disputed that the petitioner has no criminal antecedents and is not involved in any other criminal case.

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

7. Before proceeding further, it would be apposite to reproduce the relevant portion of the FIR, which is as under:-

“Statement of Ravinder Kumar Bawa R/o 2327, Sec. 48 C. CHD, Age- 78 Yrs. Mob:- 8727831144. It is stated that I live with my family at the above given address and have appeared today in PS-Cyber Crime, Sec-17 in connection with my complaint. I run many types of dating apps on my mobile phone. One day on August 20, 2022, I got a call from a mobile number 7384149668 and a girl was saying Tannu. He said that you want to make a relationship friend in Chandigarh, so I said yes. Then when he asked the age of the girl, I told him about the photo and relationship of a girl aged between 25 to 30 years. Then he said that I want a G Pay No. I am sending. In that Rs. Put 2000/- then I will send the GPay No. given by them. Kb telecom 997439139889 in 22 Aug. To Rs. I paid Rs.2000/- from my GPay A/c, after that he sent me photos. I selected a girl. Then Tannu gave me the number of a girl Kriti.

Gave 8336880504 and I talked to Kriti and she gave another GPay A/C Ar. Alex gave 917586965531 and Rs. After depositing Rs 10,200/-, they said that we will make a gold card for you, only then you will be able to talk to the girl and we will deduct Rs 200 and refund the rest to you. Then I paid Rs. 10,200/- paid through GPay and Kriti gave me the mobile number of a Chandigarh girl Rohini Agarwal. Gave 8929729819. Then I started chatting with both Rohini and Kriti through Whatsapp. Then Kriti paid Rs. Asked for 1 lakh 18 thousand more which I deposited through GPay A/c 7586965531. In this way, they asked me to deposit twice in their 3 bank accounts-HDFC saving A/c No.04341570005716,HDFC

Current A/c No. 04342560001276 and SBI A/c No. 10847736816 to their 1. Axis Bank A/C Kalpna Malhotra A/c no. 92201003549457 IFSC-UTIB 000291, 2. United Bank of India (Kamal Sahoo) A/c No. 707302010006565 IFSC- UBIN0570737 Mob:- 9732856072, 3. SBI Bank A/c No. 33323326240 IFSC-SBIN0000030 Thus I deposited Rs. 3 in his 3 bank accounts. Deposited Rs 16,50,000/-. And I never had a meeting with any girl even once. Then I got Reshmi Deshi No. A call of 8944078373 and he said that Tannu has given me your number and he has been fired from the company and he has died. Tannu had told me everything about you and has asked to refund your money. I will refund your money from the company, for that you will have to deposit some more amount. Then I called the mobile number of a boy given by Reshmi. Duttatreya Kundu No. 7278080936 and its Bank of Baroda A/c No. Asked to deposit money in 08750100011999 BARBOPAIPA. And in this A/c I have deposited Rs. 4,50,000/- were deposited Now all of them don't talk to me. All of them were speaking from Kolkata and I have talked to all of them on WhatsApp only. Now only Rohini, whom I had told

from Chandigarh, is talking on WhatsApp. I will submit the bank statements of my 3 bank accounts from which the money has been transferred. These people should be caught and appropriate action should be taken. The statement has been written and heard which is fine. Sd. Ravinder Kumar Bawa dt. 18/5/23 Mob. 8727831144 Attested by ASI Rohtash Singh PS CC Sec 17 Chd. Dt 18/5/2023, Proceedings Police: It is recorded that Complaint no, ICMS/2023/001510 Dt 19.01.2023, made by Ravinder Kumar Bawa R/o 2327, Sec. 48 C, Chandigarh. Maushul police station happened. On which after enquiry, after taking approval from Senior officers, a complaint has been ordered to register the case, on which case number 100 04.10.2023 U/S 419, 420 120-B IPC, PS Cyber Crime, Sector 17 UT, Chandigarh against Bar. Unknown Person has been registered at the Register Police Station and the copy of the original complaint is being handed over to ASI Rohtash Singh 3017/CP for police investigation and the fake FIR will be served in the service of Officer Bala. Take. ASI (Note: Parties can avail free Legal Aid from District Legal Services Authority UT Chandigarh).”

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

March 12th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No