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CRM-M-17584-2024 (O&M)

2024:PHHC:083464



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CRM-M-15567-2024

2024:PHHC:083465



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 05.07.2024

(1) CRM-M-17584-2024 (O&M)

Dheeraj @ Dheeraj Vasnav

....Petitioner.

Versus

State of Haryana

....Respondent.

(2) CRM-M-15567-2024

Shubham Rajan Kumar Thaker

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Samay Sandhawalia, Advocate,
for the petitioner in CRM-M-17584-2024.

Mr. Punit Malik, Advocate,
for the petitioner in CRM-M-15567-2024.

Mr. Surender Singh, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

This order shall dispose of above mentioned two petitions,
i.e. CRM-M-17584-2024 and CRM-M-15567-2024 preferred under

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Section 439 Cr.PC for grant of regular bail to the petitioners as the same are arising out of the common FIR in question. Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
43	20.12.2023	406, 420, 467, 468, 471, 120-B IPC	Cyber Crime, Sonipat, District Sonipat

2. Heard.

3. It is, *inter alia*, contended by learned counsel for both the petitioners that the petitioners are innocent and have been falsely implicated in this case. He contends that in fact the complainant had given the amount in question to one Vishal for the purpose of investing in crypto currency which he transferred as per the details given in the FIR and when the complainant demanded the money back the said Vishal refused to pay back leading to filing of the instant petition. They contend that the petitioners are not named in the FIR and the petitioners have nothing to do with the alleged transaction between the complainant and the said Vishal. They contend that challan in both the cases have already been presented in the Court and the petitioners are in custody since 30.12.2023. Hence, they prays for grant of bail to the petitioners.

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4. Per contra, learned State counsel, referring to the reply dated 20/21.04.2024 submitted by the State, has assailed these arguments by submitting that the petitioners have actively participated in the crime in connivance with the co-accused, namely Vishal, and as such, they are not entitled to concession of bail. He contends that the main accused, namely Vishal, is yet to be arrested, however, he has admitted that challan in both the cases have already been presented.

5. Considering the respective arguments and perusing the record, it transpires that the aforesaid FIR in question was registered on the complainant of Praveen Verma, wherein, he alleged that on receiving a link on his Telegram account, he joined the same and by playing fraud, he was asked to transfer various amount(s) in the particular account number and when he demanded back the money, he was asked to transfer Rs. 1.5 lacs more on which he got suspicious and got registered the aforesaid FIR, subsequently, the petitioners were arrested on 30.12.2023 and since then they are in custody.

6. Admittedly, the main accused, namely Vishal, has yet not been arrested and the allegations qua the present petitioners are to the extent of receiving some commissions on encashing the cheques and working for the said Vishal. Challan in both the cases have already

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been presented and the criminal liability, if any of the petitioners, which is triable by the Court of Magistrate will take sufficient long time for the prosecution to conclude the evidence. The petitioners are not having any criminal antecedents, therefore, no purpose would be served in detaining the petitioners in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioners are ordered to be released on bail on their furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

7. The petitioners shall give the undertaking that they will not leave the country without prior permission of the Court; will regularly appear before the Trial Court on each and every date; in case of some exigency, they will seek prior permission of the concerned Court qua their exemption to appear on the date fixed and they will not tamper with evidence of prosecution in any manner.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petitions stand allowed.

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10. Pending miscellaneous application, if any, also stands disposed of.

11. Copy of this order be placed on the connected file of this case.

05.07.2024
preeti

(SANJIV BERRY)
JUDGE

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