

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-19383-2024
Date of decision: 29.4.2024

SUROOR E

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CRM-M-19753-2024

SHAHAL

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Ferry Sofat, Advocate for the petitioners.

Mr. Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J.

This order shall dispose of above mentioned petitions.

1. This is the second petition filed by the petitioners seeking the concession of bail under Section 439 Cr.P.C in case FIR No.25 dated 07.08.2023 under Sections 420, 383, 384, 466, 468, 470, 471, 506, 120-B IPC and Sections 66(C), 66 (D) of the Information and Technology Act, 2000 at Police Station Cyber Crime, SAS Nagar, Mohali.
2. On a pointed query put to the learned counsel for the petitioners as to what was the material change in circumstances after the dismissal of the previous petitions filed by petitioners, Suroor E and Shahal, wherein similar relief had been sought, on 16.12.2023, he has submitted that the trial had not progressed as charges had only been framed. While further drawing the attention of this Court to FIR annexed as Annexure P-1, learned counsel has

submitted that the petitioners were neither named in the FIR nor any role attributed to them. Learned counsel has submitted that the petitioners came to be nominated only on the basis of disclosure statements, and it was a matter of record that no amount of money was ever received by them. Learned counsel has further submitted that even the phone number mentioned in the FIR does not belong to them. It has been submitted that the petitioners have been in custody since 11.8.2023, the trial is going to take long time to conclude as the prosecution evidence is yet to commence, in these circumstances their further incarceration will serve no useful purpose.

3. Per Contra learned State counsel while opposing the prayer and submissions made by the counsel opposite has submitted that there has been no material change in circumstances since the dismissal of their previous petitions on merits as recently as on 16.12.2023. It has been submitted that the petitioners are active members of a gang who in connivance with the other co-accused, duped the complainant to the tune of more than Rs 62 lakhs by impersonating as officials of Narcotics Division, Mumbai. Learned State counsel has submitted that since the petitioners were arrested from Kerala, there was every likelihood that they could abscond during trial, if enlarged on bail. Learned State counsel has further apprised this court that the trial is going on at a smooth pace as the prosecution evidence has already commenced.

4. Heard counsel for the parties and perused the relevant material on record.

5. No doubt, the petitioners have been in custody since 11.08.2023, however, the trial is going at a reasonably good pace as not only charges have been framed, but even prosecution evidence is underway. Still further learned counsel for the petitioner has failed to satisfy qua any material change in circumstances after the dismissal of the previous petition which would warrant entertaining the instant petition

6. In the facts and circumstances as enumerated hereinabove, keeping in view the nature of allegations leveled against the petitioners, coupled with the fact that their illegal activities i.e. online fraud, is spread across the length and breadth of the country, as apprised by the learned State counsel, they do not deserve the concession of bail.

7. The instant petitions are dismissed.

8. 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.

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

April 29, 2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable:	Yes/No