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(211)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19114-2024

Date of Decision: 20.04.2024

ROHIT

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Tanvir S. Grewal, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. Rajiv Rathore, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.04 dated 09.03.2024 registered under Sections 420, 120-B and 34 IPC, 1860 (Sections 120-B and 34 IPC added later on) at Police Station Cyber Crime, Charkhi Dadri, District Charkhi Dadri, Haryana.

2. The present FIR came to be registered at the instance of Dr. Yashpal Kumar son of Jagdish Kumar and the same reads as under:-

“TO, SHO, PS Cyber Crime, Charkhi Dadri. Respected Sir, it is requested that I, Dr. Yashpal Kumar son of Sh. Jagdish Kumar, am a resident of Jhojhu Kalan. I have my own private hospital. I have my account number 34831239372 at SBI Bank, Branch Jhojhu Kalan. On dated 27.02.2024, on the mobile phone no. 9992427099 of my daughter Dr. Ekta

Panwar, at 07:40 am, one message was received from mobile phone no. 94829-07346, under which one link was given in which it was written regarding SBI Net Banking Reward Point INR 9750. The above message was forwarded by my daughter to me through whatsapp on my mobile number 90500-19777, thinking that this message is regarding the account of her father. When I clicked on the link given in the message sent by my daughter, then my aadhar number, account number were asked through message. After that, an OTP came on the link opened on my phone which was filled by me. After that, Rs. 50000/- were deducted from my account no. 348231239372. That some unknown person sent a message to my daughter fraudulently regarding reward and has committed the fraud of Rs. 50,000/- from my account. Today, I have come present to the police station. I have given the written application to you. And the message which had been received, I have attached the print of the same. Legal action be taken against unknown person. Sd/- Yashpal Panwar son of SH. Jagdish Panwar, village VPO Jhojhu Kalan, Tehsil Charkhi Dadri, phone no.94165-23188 dated 09.03.2024.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The FIR had been registered against unknown persons after an inordinate delay of about 15 days. The alleged amount of Rs.50,000/- had been transferred into the account of one Rohit son of Suresh Kumar and not Rohit son of Vinod Kumar, the present petitioner. The petitioner only came to be nominated as an accused in the disclosure statement of his co-accused Shavi. Be that as it may, a compromise had been arrived at between the parties. The copy of the compromise deed is marked as X. Therefore, the petitioner was seeking the

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concession of bail in a case in which he had already been in custody since 10.03.2024.

4. On the other hand, the learned State counsel contends that the allegations against the petitioner and his co-accused were grave. Therefore, he was not entitled to the concession of bail.

5. Mr. Rajiv Rathore, Advocate has put in appearance on behalf of the complainant and has filed his Vakalatnama. The same is taken on record. He admits that a compromise has been arrived at between the parties and states that he has no objection if the petitioner is granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. Admittedly, the petitioner is in custody since 10.03.2024. A compromise has been arrived at between the parties and the counsel for the complainant has categorically stated that he has no objection if the petitioner is granted the concession of bail.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rohit son of Vinod Kumar ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.04.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No