

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205-CRM-M-25582-2023

Date of Decision: 08.01.2024

Faisal Ansari

... Petitioner

VS.

State of UT Chandigarh

... Respondent

CRM-M-64100-2023

Nadeem Ahmed

... Petitioner

VS.

State of UT Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Ms. Tanu Bedi, Advocate for the petitioner(s)

Mr. JS Toor, APP, UT Chandigarh and

Mr. Abhiraj Toor, Advocate for UT Chandigarh

Sandeep Moudgil, J. (Oral)

This order shall dispose of the above-cited two criminal miscellaneous petitions involving similar facts. For order, CRM-M-25582-2023 is treated as the lead case.

The petitioner seeks regular bail in case FIR No.04 dated 17.01.2023 under Sections 419/420/467/468/471/120-B IPC registered at Police Station Cyber Crime, Chandigarh (Annexure P1).

The present case was registered on the complaint of Surinder Jit, r/o 462, Type-2, CRPF Camp, Hallo Majra, Chandigarh wherein he has reported that on 14.12.2022 he received a whatsapp call from unknown person on his mobile number 8837781361 and the caller stated that he was calling from Canada. He thought that the voice of the caller is of his cousin brother Kuku and the caller told him that he was sending some amount to him

upon which he provided his SBI account No.30357223235 to caller. After sometime, a receipt of Rs.15,70,400/- was sent to him on his whatsapp. Further, he received a whatsapp call and the caller told him that the health of his agent's mother is not well and he require some amount. The caller provided his account No.41425907679, SBI Bank. The complainant transferred a total of Rs.1 lac in alleged bank accounts. Later on when he verified he found that no amount of Rs.15,70,400/- was transferred to his account and he had been cheated. On the basis of the said complaint, FIR in this case was registered.

Learned counsel for the petitioner contends that the petitioner is in custody since 17.01.2023 and has been sent in judicial custody at Model Jail, Burail, UT Chandigarh. She submits that the petitioner has been falsely implicated and has nothing to do with the offence as the name of the petitioner does not figure in the FIR.

Mr. JS Toor, APP, UT Chandigarh has filed custody certificate dated 08.01.2024, which is taken on record, according to which, the petitioner has undergone 11 months 19 days of custody. He further submits that the petitioner along with co-accused Faisal Ansari and Mohd. Majid were found to have hatched a criminal conspiracy and thereafter committed cheating with the complainant and apart from this, the allegation of impersonation are also there as many bank accounts were found in the name of petitioner and co-accused showing heavy transactions of money therein and if the petitioner is given concession of regular bail by this Court, there is every likelihood that he may abscond from the trial.

Learned counsel for the respondent further vehemently urged that the offence is triable by the court of learned Magistrate as the same is related with the cyber crime where the allegations of forgery, cheating, impersonation and criminal conspiracy are there besides, it has also come during investigation that there are as many as four accounts in the name of petitioner and co-accused wherein the total transactions of approximately Rs.1.85 crores which the petitioner could not justify the same from his accounts as well as of co-accused.

Heard learned counsel for the parties.

In these circumstances, where the allegations against the applicant are of not so serious in nature and also that there is no criminal history of the petitioner, and also taken into consideration the fact that the trial is likely to take some time, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

08.01.2024
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No