



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

236

**CRM-M-26062-2024 (O&M)
Decided on :16.12.2024**

ANIKET ROY ALIAS ANIKET RAI

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Sandeep Kumar, Advocate and
Mr. Arun Bhardwaj, Advocate for the
petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

Mr. Ranbir Singh Rawat, Advocate
for the complainant.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.29 dated 27.09.2023 under Sections 120-B, 419, 420, 467, 468 and 471 of IPC registered at Police Station Cyber crime, District Sonipat.

2. The translated version of the FIR is reproduced below:-

“To the SHO Sir, Police Station Cyber Crime, Sector-23, Sonipat. I Sandeep s/o Subhash resident of Khanpur Kala. On 08/08/2023 I received a message on my Telegram Channel - Sandeep Malik (9050446807) related to Task in which i had given the task of rating the HILTON HOTEL. I had fallen in their trap and started playing for the Task. Through their Telegram Link they also added me to Team Sunrise Group. On 10.08.2023 by way of DEMO they transferred Rs 1,019/ to my SBI account no. 42064030416). On 11.08.2023 I have made to pay Rs 10,000 and after completing the TASK on 12.08.2023 I have received Rs 16,162 through my SBI Bank Account no. (42064030416) as a profit of Rs 6,162 and profit of Rs 1019, Total Profit received - Rs 7,181. On 14.08.2023 I have been told to deposite Rs-63,291/ for Deluxe rating and I was added to Telegram Channel @ CS



HILTON. I had deposited Rs-63,291/-through UPI on 14.08.2023 and by this way the accused keep on making me fall in their Trap, moreover they enticed me of Deluxe rating and lured me of six times more commission and they keep on made me deposite money and later i had given Special Rating Task in which i had borrowed some money from my home and some money from my friends, total amounting to Rs 21,22,471/-and fallen in their Trap and I deposited Rs 21,22,471/ to their Account. Account Details are below: Xx Xx That despite my requests and prayers they did not returned my money and they keep on intimidating me for deposting Rs 80,000/-. Now I get to know about these Fraudusters and fraud links, Many Bank accounts opened on the basis of fake documents like PNB Bank Account no. Through fraud i have been cheated with Rs 21,22,471/-. I request you that please take Legal action against these Fraudusters. I have also attached 25 page Telegram chat and 4 page handwritten Bank account details.”

3. Learned counsel for the petitioner submits that the petitioner is 24 year old and is a college-going student. He has been falsely implicated in the present case and he has not been named in the FIR. He further submits that the petitioner has undergone an actual custody of 01 year and 10 days and is not involved in any other criminal case. He also submits that similarly situated co-accused Nisith @ Nitish Pathak has been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 14.05.2024 passed in CRM-M-18620-2024. In order to demonstrate his bona fide intention, the petitioner is willing to deposit an amount of Rs.10,00,000/- before the trial Court, which shall remain subject to the final outcome of the trial.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record.



As per custody certificate, the petitioner has undergone an actual custody of 01 year and 10 days and there is no other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges have been framed on 19.03.2024. He also submits that out of a total of 07 prosecution witnesses, only 03 witness have been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed on 19.03.2024 and only 03 witness have been examined out of total 07 prosecution witnesses. The petitioner in order to demonstrate his bona fide intention is willing to deposit an amount of Rs.10 lakhs before the trial Court. He has not been named in the FIR and has undergone an actual custody of 01 year and 10 days and there is no other criminal case registered against him. Similarly situated co-accused Nisith @ Nitish Pathak has been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 14.05.2024 passed in CRM-M-18620-2024. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty

Magistrate. The petitioner shall also abide by the following conditions:-



- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

16.12.2024

Kavita

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*