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

CRM-M-25926-2024
Reserved on: 10.09.2024
Pronounced on: 26.09.2024

Anmol ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanyam Khetarpal, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana (Through VC).

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0059	13.12.2023	Cyber Crime, District Faridabad, Haryana	420 IPC (Section 201/120B IPC 1860 and 66C/66D of IT Act 2000 added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.

2. As per custody certificate dated 09.09.2024, the accused has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

> *"The detailed facts emanating from the present case are that Sh. Ashish Bhatia (S/o Tilak Raj Bhatia R/o H. No. 43 Sec-23 Faridabad, made a complaint to the police with the allegations that he is self-employed, and on 20.07.2023, he received a WhatsApp message on his mobile phone no. +91 7745854584. Thereafter, he made a call from his mobile on said WhatsApp on 23.07.2023 and an offer was made to the complainant for part-time job. The complainant started working as per their directions. At the initial stage, they got videos liked from the complainant, and they paid Rs 1000/- as profit amount. Thereafter, they gave him telegram-id @ ANYA-520000 and informed him about a big task and asked him to invest five thousand rupees and gave him Kotak Mahindra Bank A/C no. 7048196641, and as per their directions, he has sent Rs 5000/- through Paytm in Kotak Mahindra Bank A/C no. 7048196641 from his HDFC Bank A/C no. 50100610661147, and the accused have shown him the increased amount on the screen. The accused supplied him another*

> *telegram group, HAVALDAR-007, and asked him to invest 30,000/- in Federal Bank A/C no. 55050131688788. Thereafter, the complainant asked to return his money, upon which it was informed him that task is still incomplete and they have pressed him and got transferred money in "Yes Bank" A/C no 070163300007234 amounting to Rs 50,000/-, Rs 2,00,000/-, 2,00,000/-, 5,00,000/, and 4,00,000/- by playing fraud and cheating with him. All the aforesaid transactions were made from his ICICI Bank A/C no. 661301636938. Further, the accused got transferred money amounting to Rs.90,000/- in PNB A/C no. 3237002100029773. However, no money was returned to him, upon which the complainant made a prayer to them to return his money, on which they asked him to complete the last part of the task and got money transferred from him in ICICI bank account No.055505013334 from his ICICI Bank A/C no 661301636938 to the tune of Rs. 11,00,000/-, 4,00,000/-, 4,00,000/-, The total amount defrauded from the complainant was Rs 33,75,000/-, It was further found that the aforesaid money amounting to Rs 33,75,00/- has been sent in 5 beneficiary bank accounts through 11 transactions from the complainant by playing cheating and fraud. The complainant also made a prayer to the accused for returning his money. but all in vain. Therefore, upon the aforesaid complaint of the complainant Ashish Bhatia, present FIR no. 59 dated 13.01.2023 u/s 420 IPC was registered in Police Station, Cyber Crime, NIT, Faridabad, Haryana, and section 201/120B IPC were added later on during the course of investigation of the case conducted by the local police."*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

> *"That it is also pertinent to mention here that after the registration of the present case, initial investigation of the case was conducted by HC Narveer, Cyber Crime, Police Station, NIT, Faridabad, Haryana. However, as per the instruction of the higher authority, the case file was entrusted to PSI Arjun, Cyber Crime, Police Station, NIT, Faridabad, Haryana, and during the course of investigation, as per the technical work done by PSI Arjun, it was revealed that a WhatsApp message was received by the complainant and a part-time job was offered to him from WhatsApp no +91 7745854584 of fraudster, and he got Rs 5000/- and Rs 33,70,000/- transferred from two bank accounts of the complainant i.e. HDFC Bank A/c no 50100610616147 and ICICI bank A/c no 661301636938. Thereafter, technical work was again done on Yes Bank A/c no. 070163300007234, in which fraudsters got transferred an amount of Rs 13.50,000/- from the complainant. It was further transpired that mobile number 9899464896 was found registered in the aforesaid Yes Bank account no. 070163300007234. Thereafter, technical work was done on the aforesaid mobile number, and CDRs of the said mobile no were obtained from the telecom service provider, and it was found that the*

aforesaid bank- registered mobile no was found working in IMEI No. 356732081424275. After carrying out the technical work, accused Mohit Sharma S/o Late Chinnamal Rio Nagkalan PS Majitha, District Amritsar presently residing as tenant near MCD school, Rohini sec-16, New Delhi, was joined in the investigation of the present case on 15.12.2023.

(5) is also relevant to mention here that after collecting sufficient evidence against Mohit Sharma, he was arrested in the present case on 15.12.2023 from Rohni, New Delhi. He was interrogated by the investigating officer, upon which he has suffered his disclosure statement without any pressure and admitted to the commission of crime. He has specifically contended in his disclosure statement that the accused, Anmol (the petitioner), was involved in the present case with him. He has also contented that Samarth Dawar and Vipin were also involved in the present crime. A copy of the disclosure statement suffered by accused Mohit Sharma is annexed as Annexure R-1. He has admitted in his disclosure statement that he was supplying bank kits to co- accused Samarth Dawar @ Sam. Further, he disclosed that for doing this, accused Samarth Dawar @ Sam gave him 40% of share from the fraud money he received from another accused Daman. In this case, accused Mohit Sharma received Rs 32,500/- (40% of 81000 which was received by accused Samarth Dawar @ Sam from another accused Daman as his share from fraud money) as his share from Samarth Dawar @ Sam. It is also relevant to mention here that in pursuance of the disclosure statement, accused Mohit Sharma got recovered one mobile phone whose IMEI was 356732081424275 (in which registered mobile number 9899464896 of Yes Bank A/c No 070163300007234 was found to be working. He got recovered Rs 25000/- remaining from his share of the defrauded money. The aforesaid mobile and Rs 9000/- were taken into possession through a memo of recovery, and the said memo was attested by the witnesses.

(6) Further on the basis of disclosure statement suffered by Mohit Sharma, the petitioner (Anmol) was joined investigation in the present case and after collecting sufficient evidence against him, he was arrested in the present case on 15.12.2023 from Rohini, New Delhi. He was interrogated in the present case upon which he has suffered his disclosure statement without any pressure and admitted to the commission of crime. The disclosure statement of accused Anmol is annexed as Annexure R-2. The petitioner has categorically admitted about commission of cheating and fraud with the complainant. Therefore, taking into consideration the facts and evidence of the present case, section 120-B IPC was added in this case. He has admitted in his disclosure statement that he was supplying bank kit to co-accused Mohit Sharma and Samarth Dawar @ Sam. Further he disclosed that for doing this accused Samarth Dawar @ Sam was giving him 20% of share from the fraud money that he received from another accused Daman. In this case accused Anmol received Rs 16,000/- (20% of 81000 which was received by accused Samarth Dawar @ Sam from another accused Daman as his share from fraud money) as his share from Samarth Dawar @ Sam. It is also relevant to mention here that in pursuance of disclosure statement, accused Anmol has got recovered one mobile phone whose IMEI was 869671044803573, 869671044803565 (in which registered mobile number 9899464896 of Yes Bank account number 070163300007234 was found to be working. He has got recovered Rs 9000/- remaining from his share of the defrauded money. The aforesaid

> *mobile and Rs 9000/- were taken into possession through memo of recovery and the said memo was got attested from the witnesses.*
> *7. That the accused, Anmol, has played a vital role in a commission of crime. He was arrested in the present case in view of the disclosure statement of Mohit Sharma and relevant facts and evidence, which came forth during the course of the investigation. The accused (petitioner) Anmol has also given a detailed description about his involvement in the present case, which is specific, cogent, and self-explanatory and speaks about the volume of his acts of omission and commission of crime in the present case."*

7. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, per paragraph 6 of the reply filed to the bail petition, the petitioner has been in custody since 15-12-2023. As per the custody certificate dated 09.09.2024, the petitioner's total custody in this FIR is 08 months & 25 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the

case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.09.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.