



CRM-M-26653-2024

-1-

**216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-26653-2024
Decided on : 17.09.2024

Davinder Pal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Ajay Kumar Dahiya, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.15 dated 17.06.2023 under Sections 120-B, 386, 419, 420, 467, 468 and 471 IPC registered at Police Station Cyber Sonipat District Sonipat.

2. Learned counsel for the petitioner contends that in a Magisterial trial, the petitioner has now been in custody since 21.07.2023; not only investigation is complete as challan stands presented but even charges stand framed in the instant FIR. Learned counsel has further contended that it was on account of the illiteracy of the petitioner, all the co-accused after taking advantage of the same, got an amount of Rs.5 lakhs deposited into his account; had the petitioner had any malafides, he would have withdrawn the said amount, however, he had not withdrawn even a single penny



out of the said amount as he was totally unaware about it. It has also been submitted that identically placed co-accused have already been granted bail by this Court vide order dated 06.02.2024 (Annexures P-2 to P-4). It has still further been submitted that innocence of the petitioner can also be inferred from a perusal of the FIR wherein no allegations have been levelled against the petitioner even by way of a whisper. A prayer, therefore, has been made in the aforementioned facts and circumstances that the petitioner be enlarged on bail as there is no possibility of the trial concluding in the near future, more so, when none out of 9 prosecution witnesses having been examined so far.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, has reiterated the allegations levelled in the FIR in question, which has been annexed as Annexure P-1 and stands reproduced herein under:

"To the SHO (ASI) Sahab, Police Station Cyber, Sonipat. Subject:- related to fraudulent online money transfer Respected Sir the applicant prays that sir, before requesting I would like to say that I am Aashish Dahiya son of Sh. Rajpal Dahiya, permanent resident of Bhagat Singh Colony, Sonipat. On related to above said subject I would like to say that on dated 06.06.2023 I 3 received a telegram message that while sitting at home, do the work of hotel review and earn Rs. 1000/- to Rs.2000/- every day Thereafter he was shared the link of platform on my telegram i.e.



CRM-M-26653-2024

-3-

http://advs-airbnbs.com and user name was @payal0227. That in the beginning they gave me Rs. 1100/- as trial bonus on the above mentioned platform. Due to which I earned Rs.1000/- by reviewing the hotel. Next day, on dated 07 07 2023, he asked me to deposit Rs.11,000/- After reviewing the hotel work, Rs.19,000/- were deposited in my account. Next day on dated 08.06.2023, he asked me to deposit of Rs.50,000/-. While reviewing the hotel, he sent me a deluxe order review and he was asked to credit more money. As part of a conspiracy, he was given different account numbers in the name of completing deluxe order for fraud (These tasks have been made fake to dupe me and other people). He asked to get deposited of Rs.21,00,000/-. Details of which are given below. My brother namely Aman Dhiya:- ICICI Bank Account No.39680151030 and my friends Nand Kishore's wife Mamta: ICICI Bank Account No. 402001001058 who deposited the money on request.

Even after my request, these people did not return my original amount and are continuously threatening me to deposit Rs.25,00,000/- otherwise they will make the nude photos of you and your family viral among your acquaintances. Now I came to know that by using fraudster app made fake website and on basis fake documents open bank account and they took away Rs.21,01,793/- from me and now legal action should be taken against them. Sd/-”

Learned State counsel, on instructions, has not disputed



CRM-M-26653-2024

-4-

the stage of trial and the custody period of the petitioner. It has also not been disputed that identically placed co-accused have since been extended the concession of bail. However, it has been contended on instructions that the petitioner is involved in another criminal case registered under Section 420 and 120-B IPC.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody for more than a year having been arrested on 21.07.2023. The case in hand rests on documentary evidence, which is part of the challan. Hence, there can be no apprehension of tampering with the evidence by the petitioner. The trial is unlikely to conclude as the prosecution evidence would commence only on the next date of hearing i.e. 23.09.2024.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. 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.

17.09.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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