



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-26415-2024
Date of decision: 24.07.2024

RAHUL

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurdarshan Singh Sidhu, Advocate with
Mr. Baldev Singh Dandiwal, Advocate for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.10 dated 13.03.2024 under Section 420 of the IPC registered at Police Station Cyber Crime, Sirsa District Sirsa.
2. Learned counsel for the petitioner submits that in a case triable by a Magistrate, the petitioner has now been in custody since 13.03.2024 and even the investigation stands concluded as challan has already been presented before the trial Court. It has further been submitted that as many as 26 witnesses have been cited by the prosecution and, thus, the possibility of the trial concluding in the near future does not seem possible. It has still further been contended by the learned counsel that subsequent to the registration of the FIR in question the parties have arrived at an amicable settlement with each other. In support, attention of this Court has been



drawn to an affidavit dated 15.05.2024 (Annexure P-4) which is purportedly deposited by the complainant

3. Per contra, learned State counsel has however vehemently opposed the prayer and submissions made by learned counsel for the petitioner. Attention of this Court has been drawn to the allegations levelled in the FIR, which has been annexed as Annexure P-1. It has been submitted by the learned State counsel that affidavit Annexure P-4, is only by three out of the four persons who were cheated by the petitioner; the learned State counsel has not disputed the stage of trial. However, he submits that the petitioner is involved in three more cases of identical nature which include two cases registered in the State of Rajasthan.

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

5. Before proceeding further, it would be relevant to reproduce the contents of the FIR which reads as under:-

“To, The SHO, P.S. Cyber Crime, Sirsa. I, P/SI Subhash Chander, am posted as an Investigating Officer at P.S. Cyber Crime, Sirsa. The Indian Cyber Crime Coordination Center (I4C) displays the mobile numbers of suspected criminals committing cyber-crimes all over India on the portal and I work on all those persons who are residing in our jurisdiction. Even today, I, PSI, was present at the police station and was searching for suspected criminals on the active portal; then, I came to know on perusal of the portal that mobile No.9906100294 is active in our area. On checking the said portal and NCRP portal, against the mobile No.9996100294, complaints No. 22703240008817, 32703240015664, 32702240012691, 32703240014564, 22702240007599, 32703240016192 are registered. Upon which, I, PSI, after conducting technical work on the above- mentioned



number, it was found active near Sihag Hospital T-Point, Hisar Road, Sirsa, where the user of mobile No.9996100294 namely Rahul Beniwal, son of Mange Ram, resident of H. No.2195, Sector 20, HUDA, Sirsa was found present. When I enquired about the above number and the work, Rahul disclosed that "I call on different numbers pretending to be a relative or an acquaintance, pretending to be in an emergency or in needy situation and demanding money, and I use to get money deposited in different bank accounts and then withdraw that money in cash and cheat them". Upon this, I, PSI, along with the accompanying officials, conducted a personal search of Rahul, and a mobile phone brand Redmi Note 8 colour blue bearing IMEI No.861182045642067/75, mobile No.9996100294 along with SIM was recovered from the possession of Rahul. After preparing a parcel of the recovered mobile phone, the same was sealed with impression 'SS/3' and the parcel was taken in police possession vide separate property seizure memo. Rahul and the witnesses put their respective signatures on the said property seizure memo. The above-named Rahul is committing the offence u/s 420 of IPC by cheating people. Upon which, after writing ruqa, the same is being sent to the police station by hand through Ct. Jagjit No.1471 for registration of FIR. After lodging the FIR, the number of which be informed and the Investigating Officer be sent to the spot. I, P/SI, along with accompanying officials and the accused, am busy with the investigation at the spot. Location: Near Sihag Hospital, T-Point Hisar Road, Sirsa. PSI Subhash Chander, P.S. Cyber Crime, Sirsa, dated 13.03.2024 at 10:50 PM"

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and the petitioner is extended the concession of bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.



8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

July 24, 2024
poonam

Whether speaking/reasoned:	Yes
Whether reportable:	No