

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28332 of 2023
Date of decision: 16th January, 2024

Anioke Hyginus Okwudili @ Poka

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yashjot S. Dhaliwal, Advocate for
Mr. S.K. Liberhan, Advocate for the petitioner.
Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.30 dated 30.06.2022 under Sections 66(c), 66(D) of IT Act, 2000 and sections 420, 511 of the IPC registered at Police Station Cyber Crime, Crime Wing SAS Nagar, Mohali.

2. Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the instant case for allegedly cheating and duping the complainant after impersonating as the Director General of Police, Punjab, and then inducing the complainant to part with more than ₹4.50 lacs. It has been vehemently submitted that the false implication of the petitioner in the present case finds due credence from the fact that he was not named in the FIR in question (Annexure P-1), which was

registered against unknown persons. It has, still further, been submitted that the petitioner has been languishing in custody since 01.07.2022 and the trial has not yet concluded. It has thus, been submitted that once the investigation in the case in hand is complete, as challan stands presented, his further incarceration in the case in hand would serve no useful purpose, as no recovery was required to be effected from him.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the petitioner, after impersonating the DGP, Punjab, on WhatsApp, cheated the complainant and induced him to part with money in the sum of ₹4.50 lacs. Learned State counsel, on instructions, has also informed the Court that the petitioner, who is a Nigerian citizen, is involved in as many as three other cases of similar nature and in case he is extended the concession of bail, there is every likelihood that he could flee India. It has further been submitted that the trial has been progressing at a reasonably good pace as only 9 prosecution witnesses remain to be examined, who are formal in nature. Hence, the trial can be expected to conclude in the near future.

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

5. Prima facie, there are serious allegations against the petitioner, who is a Nigerian citizen and who, after impersonating as the DGP Punjab, defrauded the complainant of a huge amount of money. It is

a matter of record that the petitioner is involved in many other cases of similar nature. In the facts and circumstances as enumerated hereinabove, coupled with the criminal antecedents of the petitioner and the trial proceeding at a reasonably good pace, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Dismissed.

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.

(MANJARI NEHRU KAUL)
JUDGE

January 16, 2024

rps

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