IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.234

Case No. : CRM-M-34105-2024 (O&M)

Decided On : November 04, 2024

Akash Chauhan .... Petitioner

vs.

State of Haryana .... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. D. S. Matya, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.4 dated 09.01.2024, under Sections 420, 467, 468, 471, 120-B IPC, 1860, registered at Police Station Cyber Sonipat, District Sonipat.

2. The FIR in question was registered on the complaint moved by one Ravi Gandhi, alleging therein that on 22.11.2023, he received a missed call from a mobile phone, reflecting the photograph of his niece Seema. Thereafter, through chat message of same number, he was informed (by Seema) that she was in relation with someone and that person was blackmailing her on the pretext of having her photographs and was also demanding huge amount of money from her. So, the complainant was requested by the aforesaid Seema to help her by giving money, which would

be returned to him very soon as her FDR was going to mature in the near future. Believing his niece to be in trouble, the complainant, in order to help her, transferred Rs.24,05,000/- in different accounts, as asked by her. After some time, when the complainant presumed that FDR of Seema must have matured, he called her for getting his money back but to his great surprise, he came to know that Seema never asked for any help from him. When the complainant tried to contact the number, through which he was earlier contacted by Seema for getting money, the said number was found switched off. Then the complainant realized that he has become victim of cyber fraud. So, he moved the application, on the basis of which, the present FIR was lodged.

3. Learned counsel for the petitioner has submitted that the petitioner is totally innocent. He has not been named in the FIR and the bank accounts, where the money was transferred, do not belong to the petitioner. The petitioner has been implicated in the present case on the basis of false statements. The petitioner is in custody since 22.04.2024. Five other co-accused have already been granted concession of regular bail vide order dated 14.06.2024 passed by learned Judicial Magistrate Ist Class, Sonipat. The completion of trial will take a long time. So, case of the petitioner be also considered on parity and he be ordered to be released on bail.

4. Supplementary Status Report dated 29.10.2024, by way of affidavit of Malkeet Singh, HPS, Assistant Commissioner of Police, Headquarter, Sonipat, on behalf of respondent-State along with Interstate

Analysis Report (Annexure R-1) has been placed on record. Learned State counsel, while referring to the Status Report, has opposed the bail petition, while submitting that as per the Interstate Analysis Report, there are 2283 cases including 114 FIRs are linked to the sim cards/mobile phones received in this case and therefore, he does not deserve any leniency from the Court.

5. Heard.

6. The allegations against the petitioner are that he along with some other persons, impersonating as niece of the complainant, sent him messages, portraying that his niece was in great trouble and needed money. So, he tried to help her niece and transferred huge amount of money in the bank accounts, as asked by her niece. In fact, her niece never sent any chat or demanded any money from the complainant. Rather, the complainant became a victim of cyber crime. A bare perusal of Interstate Analysis Report, filed today in Court, shows the statistics of All-India Cyber Crime Links, which reveal that there were inter-state linkages of 2283 cases including 114 FIRs of different States and UTs linked to the sim cards/ mobile phones recovered in this case.

7. Cyber crimes are while-collar crimes. The effect of white-collar crimes has been beautifully described by Hon'ble Justice M.P.Thakker in case titled **State of Gujarat vs. Mohanlal Jitamalji Porwal – (1987) 2 SCC 364** in the following words :-

> *"The entire community is aggrieved, if the economic offenders, who ruin the economy of the State, are not brought to book. A murder may be committed in the heat of moment upon passions*

> *being aroused. An economic offence is committed with cool calculation and deliberate design, with an eye on personal profit, regardless of the consequences of the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community on the system to administer justice in an even-handed manner without fear of criticism from the quarters, which view white collar crimes with a permissive eye, unmindful of the damage done to the national economy and national interest."*

8. In these days, organized crime groups are are using the Internet for major fraud and theft activities. There are trends indicating organized crime involvement in white-collar crime. As criminals move away from traditional methods, internet-based crime is becoming more prevalent. India has become one of the prime targets of the cyber criminals.

9. The petitioner is indulged in money-making by making fool of general public and adopting short-cut methods, thereby stealing their hard earned money through various cyber-tricks. So, he cannot be considered to be entitled for any sympathy. No doubt, other co-accused have been granted bail by the learned Magistrate. It is no ground to grant bail to petitioner. It is not a case where Magistrate was required to exercise jurisdiction to grant bail. The release of petitioner, at this stage, is threat to Society and not to any individual. There cannot be any check since crime through internet can be committed while sitting alone in the room or even at a remote place. During investigation, it was found that the complainant's money was

transferred to different accounts, one of which was of the petitioner.

10. In view of the aforesaid facts and circumstances of the case, this Court is of the view that the petitioner is not entitled for concession of bail, at least at this stage.

11. Accordingly, without commenting upon the merits of the case, the present petition is dismissed.

12. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

13. Pending applications, if any, shall stand disposed of along with the present petition.

November 04, 2024 **(GURBIR SINGH)**
monika **JUDGE**

Whether speaking/reasoned ?	*Yes/No.*
Whether reportable ?	*Yes/No.*