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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35588-2024

Date of decision:-05.09.2024

PANKAJ KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sahil Choudhary Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of an affidavit dated 20.08.2024 of Assistant Superintendent of Police, Ambala alongwith custody certificate dated 04.09.2024, the same are taken on record. Copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
03	16.02.2022	406, 468, 471, 120-B IPC	Cyber Crime, Sector 10, Ambala

3. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that in fact the petitioner himself been the victim of cyber fraud as his account was used for transactions by some other person. He submits that petitioner is in custody since 17.01.2023 and has been 55% physically disabled, having no concern with the other nominated accused in the case. He further contends that that as per the allegations a sum of ₹1,75,000/- has been transferred through his bank account. Hence he prays for gran of bail to the petitioner.

4. *Per contra* learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner got registered a mobile number with his bank account which in fact was bearing the photograph of the petitioner but mobile number of some unknown person. The petitioner has actively participated in the crime, as such do not deserve concession of bail.

5. After going through the contentions raised by the parties and perusing the record, it transpires that the instant FIR was registered by the complainant stating that some unknown persons had played fraud upon her, and duped her of ₹16 lakhs. During course of investigation police verified the bank accounts wherein such amount was deposited including the present petitioner in whose account ₹1,75,000/- was found to be deposited. It was also found during investigation that the mobile number attached with the bank account of petitioner was taken by putting the photograph of the petitioner but the ID proof of Jhagaru Sah. The petitioner was arrested on 17.01.2023 and since then he is in custody. After completion of investigation



challan has since been presented in Court wherein prosecution has cited 14 witnesses and till date none of them have been examined. The petitioner is not having criminal antecedents. The conclusion of trial to ascertain criminal liability, if any of the petitioner in the present case triable by the Court of Magistrate will take sufficient long time.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping the petitioner behind bars any longer. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

05.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |