



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.42150 of 2024
Date of decision: 4th September, 2024

Javed
... Petitioner
Versus
State of Haryana
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek Goyal, Advocate for the petitioner.
Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana
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.18 dated 07.08.2023 under Sections 419, 420, 467, 468 of the IPC and Sections 66(C), 66(D) of the Information Technology Act, 2000 registered at Police Station Cyber Crime, District Panchkula (Haryana).
2. Learned counsel for the petitioner submits that a perusal of the FIR in question, annexed as Annexure P-1, reveals that neither has he been named therein, nor any specific role attributed to him; he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Vinayak, who too was nominated as an accused in the present case, on the basis of a disclosure statement allegedly suffered by co-accused Chirag. It has been submitted that since investigation in the present case is complete as not only challan stands



presented but even charges framed, further incarceration of the petitioner would serve no useful purpose, as 15 prosecution witnesses out of the 16 cited are yet to be examined. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has reiterated the allegations levelled in the FIR, which stands reproduced herein under:

*“That the Acknowledgement No. 31306230028748
Category of Complaint Online Financial Fraud Sub Cyb
Category of Complaint UPI Related Frauds Userld
AN93782306241758 Have You Lost Mandy Yes Incident
Date/Time 23/06/2023 9:0:AM Complaint Date 23/06/2023
Is there any delay in reporting No Complainant/Victim
Details Name ANKUR KAUSHIK Mobile 9899099378
Father/ Mother/Spouse Name Email AN93782306241758
Street Name House No Colony Village /Town Tehsil
Pincode 134003 Police Station District State Crime Branch
State HARYANA Relationship with the victim Suspect
Details Any Other Information/ Details H/No. Street
Colony Village/Town Tehsil State Haryana District Police
Pincode Additional Information about the Incident UPI
Internet banking fraud. Money was asked to transfer to
multiple accounts. They started asking money saying we
have to complete tasks and we will get the profit amount.
They asked to perform 2-4 tasks and asked money to prepay
for each task. When the above complaint was received at
Post Police Station and as per the order of officials for*



registering a case, on the basis of the complaint, the crime under Section 419, 420 IPC was found to be true, so case number 18 dated 07.08.2023 under Section 419, 420 IPC was registered at Police Station Cyber Crime, Haryana”

4. Learned State counsel submits that the petitioner had registered fake firms leading to opening of different bank accounts, which were to be used for cyber crimes.

5. On a pointed query put to the learned State counsel, he, on instructions, has submitted that although there are allegations of fraud of ₹19.40 lacs, however, the bank accounts opened by the petitioner did not reflect any bank transactions. Stage of the trial has also not been disputed by the learned State counsel, who, on instructions, submits that the next date of hearing fixed before the trial Court is today when some more witnesses are likely to be examined.

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

7. The instant case is based on documentary evidence, which is already a part of the report presented by the prosecution under Section 173 Cr.P.C. Trial is unlikely to conclude in the near future as 15 prosecution witnesses still remain to be examined. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the



trial Court/Duty Magistrate. 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 here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

September 4, 2024
rps

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