221 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-42952-2024
Date of Decision: 03.10.2024

Vyas Arjun Hiteshbhai …Petitioner

vs.

State of Haryana …Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

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N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.58 dated 23.11.2023 registered under Sections 426, 420 of IPC (Section 120-B of IPC added later on), at Police Station Cyber Crime Police, District Panipat.

2. The FIR in the present case was registered on the basis of the statement made by Mansi Bhardwaj d/o Sh. Sudesh Kumar Sharma and the same has been reproduced below:-

> *"To The Station House Officer, Cyber Crime Cell, Panipat Subject: For lodging FIR regarding debiting Rs. 25000/- from my account no. 00000036294665098 by cheating and fraud by some unknown person. Sir, it is submitted that I am having an Account No. 00000036294665098 (details as mentioned in Annexure-1) in State Bank of India, Panipat. On 22.11.2023, I had received a call on my mobile no. 7289884611 from an unknown mobile no. 9365374876. The caller told that my father had asked him to contact me. Then, he started to talk by saying that he has*

sent money to my PAYTM Wallet and to check it, when I checked it immediately Rs. 25000/- debited from my account. He also sent a message for the same. Thus, he tricked me into getting Rs. 25,000/- through PAYTM message and UPI ID thereafter, I had received a message that Rs.25,000/-has been debited from my above mentioned account and the same has been credited to some Jio Bank in the account of unknown person namely Pragti Sen. Copy of the same is attached herewith as Annexure-lI. He also tried to debit Rs. 50,000/-, 25,000/-, 25000/- and then Rs. 10,000/- respectively, but he could not succeed due to insufficient funds in my account. Copy of which is attached herewith as Annexure-Ill. He had also kept on messaging on my PAYTM and repeatedly called at my above said mobile number and also called on my other mobile no. 8700598080 from his mobile no. 9365374876. When I did not received his calls, he also then sent a text message to me to take the calls. Copy of the same is also attached herewith as Annexure-IV. It is further submitted that after this incident. I immediately called at toll free no. 1930 and made a complaint in this regard and got blocked the further transaction from my account. In due course, I also informed the in-charge, Cyber Crime Cell, Panipat about the matter. A copy of message received to me from Cyber Crime Cell is also attached herewith as Annexure-V. It is further submitted that some unknown caller has debited Rs. 25,000/- in his account from my above said account by playing cheating and fraud with me. therefore, legal action may kindly be taken in this matter against the said unknown caller from above said mobile number i.e. 9365374876 and the aforesaid amount of Rs.25000/- may kindly be got credited back in my account. Thanking you. Sa Mansi Applicat, Mansi Bhardwaj d/o Sh. Sudesh Kumar Sharma R/o 1-1)."

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. In fact, it has been wrongly alleged that an amount of Rs. 25,000/- was deposited in the account of the petitioner and now during the course of investigation, the police has already recovered a sum of Rs.20,000/- from the petitioner. He further contends that the petitioner was arrested in the present case on 04.04.2024 and is in custody for the last more than 06 months. After completion of the investigation, challan has already been presented against him. He further contends that only one witness, out of total 11 witnesses, has been examined so far and there is a remote possibility of early conclusion of the trial.

4. On the other hand, reply by way of an affidavit of Deputy Superintendent of Police, HQ, Panipat has been filed on behalf of the respondent-State in Court today and the same is taken on record. learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner is in custody since 04.04.2024. After completion of the investigation, the final report under Section 173 Cr.P.C. has already been presented before the competent Court. It is also an admitted fact that no other criminal case was ever registered against the petitioner and he is a first offender. Moreover, all the offences in the present case are triable by the Court of

Magistrate and further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

03.10.2024.
hemlata

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