



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-43798-2024
Date of decision: 10.09.2024

PARDEEP YADAV ALIAS PRADEEP ...Petitioner

Versus

STATE OF HARYANA AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. L.R. Sharma, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.
Mr. T.S. Chhikara, Advocate for respondent No.2.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.09 dated 24.01.2024, under Sections 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Cyber Crime, Sonipat, District Sonipat.
2. The petitioner claims himself to be a man of clean antecedents, and seeks the relief of regular bail in the FIR (supra).
3. The allegations, as levelled against the present petitioner in the present FIR, reads as under:-

To The SHO Cyber Crime Police Station, Sonipat. Sir/Mam, It is to bring to your notice that I (Lokesh Kadyan), resident of Omaxe City, Sonipat, 131001 got in touch with broker named Anand (and impersonated of being employee of Excel Stock Broking, Kolkata, and associated with firm Stock Benefit) during first week of October 2023, who promised me to coverup my losses done in Indian market by investing in Forex market via platform. GrowFx Trade (www.growfxtrade.com) which is also having Android application associated with it. He promised that its an



algo based platform and chances of loss at just 1%. So its safe compared to Indian market. He kept in touch with me via his WhatsApp contact (8433724334) and his calling contact (9892820065) and kept on guiding me for investing in forex market via this platform. Initially on 18th Oct 23, I had put INR 1,82,000 done in two transactions in this platform. Later on, with subsequent trades profit got accumulated. When I had put for withdrawal, they asked me to pay tax ON 27th Oct'23 on the portfolio in advance of amount INR 7,77,403 from email id growfxofficial@gmail.com having calling help number 7304736829. But despite that my withdrawal was not settled as I was being told withdrawal needs to get settled within 48 hours, post which alge again picks up the trade. And these processes kept continue for 2 more times where I paid tax but my withdrawal never got settled for some or the other reason. Details of all the transactions are mentioned in this application. During this whole time, till 18th Jan 2024 they took apx INR 47.38 lacs from me detail of which are mentioned as below.

Transaction Dates with details (Growfx):

Date	Credit	Account	Bank	IFSC	Amount (INR)	Debit	Bank	a/c of victim
Transaction id	18-10-2023	1170102000009072	IDBI	IBKL0001170	1,00,000	153801508425 (icici)	329119808534	
	18-10-2023	1170102000009072	IDBI	IBKL0001170	82,000	153801508425 (icici)	329120073625	
	20-10-2023	1170102000009072	IDBI	IBKL0001170	1,00,000	153801508425 (icici)	HS92329320160756	
	20-10-2023	1170102000009072	IDBI	IBKL0001170	1,00,000	153801508425 (icici)	HS92329320165422	
	26-10-2023	1170102000009072	IDBI	IBKL0001170	12,00,000	153801508425 (icici)	HS92329920611846	
	27-10-2023	1170102000009072	IDBI	IBKL0001170	3,77,403	20026980581 (SBI)	330017873066	
	30-10-2023	1170102000009072	IDBI	IBKL0001170	4,00,000	153801508425 (icici)	330321757736	
	22-11-2023	1170102000009072	IDBI	IBKL0001170	50,000	153801508425 (icici)	332661783868	
	28-11-2023	1170102000009072	IDBI	IBKL0001170	5,00,000	153801508425 (icici)	333211290460	
	29-11-2023	1170102000009072	IDBI	IBKL0001170	5,00,000	153801508425 (icici)	333322412427	
	29-11-2023	1170102000009072	IDBI	IBKL0001170	1,27,842	153801508425 (icici)	333322413567	



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30-11-2023 1170102000009072 IDBI IBKL0001170 1,00,000 153801508425 (icici)
333412676265
29-12-2023 trade 12539-2@okaxis 50,000 153801508425 (icici) 336387566875
29-12-2023 923020027285666 Axis UTIB0001355 1,50,000 153801508425 (icici)
336316238685
02-01-2024 trade12539-2@okaxis Axis 50,000 50100259677731 (hdfc)
400256768882
02-01-2022 trade12539-2@okaxis Axis 1,00,000 153801508425 (icici)
400201040769
02-01-2024 200002347516 Equitas Small Finance Bank ESFB0009006
1,00,000 153801508425 (icici) 400212963451
18-01-2024 50200084154523 HDFC HDFC0000531 1,00,000 153801508425
(icici) 401860574292

Its humble request from me to recover my principal amount as still they keep on threatening me that without paying balance tax as of today (24th Jan'24) of amount INR, 11, 87,158 I will not get withdrawal and complaining to police can led to blockage of my account and loss of complete capital. Now I realized that I have fallen into hands of fraudster who keeps on finding reason to take more from me and never settle my withdrawal. These fraudsters have used false/fake bank accounts and false/fake mobile numbers as well as fraud websites/APK details of which is associated with this application and have taken apx. INR 47.38 lacs by fraud. Therefore, I request you to please initiate proceedings to recover my money and bring these fraudsters into custody."

4. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) Neither the petitioner is named in the FIR, nor any role is assigned to him;

(ii) Petitioner is aged about 20 years, and the Police has falsely implicated him in the present case, without there being any evidence to connect him with the present crime;

(iii) In the instant FIR, there are total 09 accused persons, and now the complainant has entered into an amicable settlement with all the 09



accused persons, and the money in dispute which is the bed-rock for registration of the instant FIR, has already been returned.

(iv) Petitioner has suffered incarceration of more than 02 months, as on today.

5. Per contra, the learned State counsel, who is in receipt of advance notice, has placed on record the custody certificate *qua* the petitioner, as issued by the Deputy Superintendent, District Prison (Sonipat), Haryana. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 02 months and 05 days, as on today. Learned State counsel on instructions, imparted to him by the official respondent, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on 23.08.2024, but the charges are yet to be framed. Learned State counsel further submits that out of the total 05 prosecution witnesses cited in the final report, none has been examined till date.

6. Mr. T.S. Chhikara, Advocate appears on behalf of respondent No.2, and files his duly executed *Power of Attorney*, in his favour, which is taken on record. He admits the factum of compromise between the parties concerned, which is placed on record, as Annexure P-3. He further extends his no objection in case the petitioner is granted the relief of regular bail in the instant matter.

7. This Court has heard the learned counsel for the parties concerned, and has gone through the instant petition, and is of the considered opinion that the instant petition is amenable for being allowed.

8. The reason for forming the above inference emanates from the factum that:- (i) The offences under which the petitioner is facing trial is triable by the Court



of Judicial Magistrate First Class; (ii) The petitioner has suffered incarceration of 02 months and 05 days, as on today; (iii) The matter has been amicably settled between the parties concerned, and the compromise deed is annexed as Annexure P-3; (iv) The final report under Section 173 Cr.P.C was filed on 23.08.2024, and out of the total 05 prosecution witnesses cited in the final report, none has been examined till date; (v) No fruitful purpose would be served by keeping the petitioner behind the bars, (vi) Trial is not likely to conclude anytime soon.

9. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

10.09.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No