

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1 CRM-M-45926-2024
Date of Decision : **October 04, 2024**

HARSH MORYA ALIAS HARSH MAURYA AND OTHERS
.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER
.....Respondents

2 CRM-M-46277-2024
PRATEEK GUPTA
.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER
.....Respondents

3 CRM-M-46362-2024
AKASH SINGH GAUTAM AND ANR
.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER
.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Lajpat Rai Sharma, Advocate
for the petitioners in CRM-M-45926-2024.
Mr. Ajay Gupta, Advocate
for the petitioners in CRMs-M-46277 and 46362-2024.
Mr. Bhupender Singh, D.A.G., Haryana.
Mr. Tarjeet Singh Chhikara, Advocate for respondent No.2.

**KULDEEP TIWARI, J. (Oral)**

1. All the above mentioned petitions are amenable to be decided together as common relief of regular bail has been sought and, therefore, they are being taken up together for disposal.
2. Through the instant petitions, the petitioners crave 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.
3. The petitioners claim himself to be a men of clean antecedents, and seek the relief of regular bail in the FIR (supra).
4. The allegations, as levelled against the present petitioners 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 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 Finacne 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."



5. The learned counsel for the petitioners, in his asking for the hereinabove extracted relief, have made the following submissions:-

(i) Neither the petitioners are named in the FIR, nor any role has been assigned to them;

(ii) Petitioners are of young age, and the Police has falsely implicated them in the present case, without there being any evidence to connect them with the instant crime;

(iii) In the instant FIR, there are total of 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) Petitioners have suffered incarceration of more than 02 months, as on today.

(v) Co-accused Pardeep Yadav @ Pradeep, has already been granted the relief of regular bail by this Court vide order dated 10.9.2024 passed in CRM-M-43798-2024.

(vi) The matter has been amicably settled between the parties concerned and even the disputed amount has been paid back to the victim.

6. Per contra, the learned State counsel, who is in receipt of advance notice, has placed on record the custody certificates *qua* the petitioners. The same are taken on record. A perusal of the custody certificates reveal that the petitioners have suffered incarceration of 02 months and 28 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.

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

8. 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 petitions are amenable for being allowed.

9. The reason for forming the above inference emanates from the factum that:- (i) The offences under which the petitioners are facing trial is triable by the Court of Judicial Magistrate First Class; (ii) The petitioners have suffered incarceration of 02 months and 28 days respectively, as on today; (iii) The matter has been amicably settled between the parties concerned, and the compromise deed is annexed as Annexure P-2; (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 petitioners behind the bars, (vi) Trial is not likely to conclude anytime soon (vii) Co-accused Pardeep Yadav @ Pradeep has already been granted the relief of regular bail by this Court vide order dated 10.9.2024 passed in CRM-M-43798-2024.



10. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioners. Therefore, without commenting upon the merits and circumstances of the present case, the present petitions are **allowed**. The petitioners are 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.

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

12. However, it is clarified that if in future, the petitioners are 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.

13. A photocopy of this order be placed on the files of connected cases.

October 04, 2024

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(KULDEEP TIWARI)
JUDGE

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