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CRM-M-46976-2024

2024:PHHC:153785



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-46976-2024
Date of decision: 21.11.2024

Mohammed MoyunudeenPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sunny Tyagi, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.
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SANJIV BERRY, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
38	17.09.2023	406, 419, 420 IPC (120-B and 204 IPC)	Cyber Crime, Ambala.

2. Heard.
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 on the alleged disclosure statement of the co-accused, namely Narendra Kumar, with whom the petitioner has no concern. He contends that neither the petitioner has duped anybody nor he is the



beneficiary of any such transaction. He contends that the allegations levelled against the petitioner are fallacious and the petitioner is not having any criminal antecedents. Hence, the instant petition seeking concession of regular bail.

4. *Per contra*, learned State counsel, referring to the short reply dated 22.10.2024, filed in the form of affidavit of Assistant Superintendent of Police, Ambala, has assailed these arguments by submitting that the petitioner in active connivance and conspiracy with the other co-accused had committed cheating to the tune of Rs. 1,58,000/- by inducing the complainant to work online and earn sufficient money. He contends that the petitioner was arrested on 09.12.2023 and recovery of Rs. 20,000/- has been effected from him. Hence, prays for dismissal of the instant petition.

5. Considering the respective arguments and perusing the record, it is observed that instant FIR was registered by the complainant that he had received a *whats app* message from one Sonia Kapoor, claiming that she is working in HR Department of FCB Connect Media Private Limited and were looking for free lancers and by inducing him to check the videos asked him to work as freelancer with the company for which he will be paid sufficient amount. It is alleged that by hatching a criminal conspiracy, the accused-petitioner along with the other co-accused have cheated the complainant of



Rs. 1,58,000/- on the pretext to earn sufficient money by working on line and when the complainant asked for return of money, they refused.

6. Admittedly, the petitioner is not named in the FIR but has been nominated on the basis of disclosure statement made by the co-accused, namely Narendra Kumar and consequent upon his arrest on 09.12.2023, he made disclosure statement claiming that he and his friends were given the documents pertaining to the Bank account of Narendra Kumar by the co-accused, for which he was paid Rs. 20,000/-. This amount of Rs. 20,000/- has been recovered from the present petitioner. The petitioner is not having any criminal antecedents and after completion of investigation challan has already been presented in the Court where it is pending trial. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner in the present case which is triable by the Magistrate will take sufficient long time and in these circumstances, it is observed that no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

7. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of

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some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands allowed.

10. Pending miscellaneous application, if any, also stands disposed of.

21.11.2024
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(SANJIV BERRY)
JUDGE

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