

2024:PHHC:160476



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114+226 two cases

CRM M-47379 of 2024 (O&M)
Date of Decision: 02.12.2024

(1) Mahesh Jangid	Versus	...Petitioner
State of UT Chandigarh		... Respondent

CRM M-47622 of 2024

(2) Vishal Gaur	Versus	...Petitioner
State of U.T.Chandigarh		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Veeraj Sharma, Advocate
for the petitioner in CRM M-47379-2024.

Mr. Suneet Singh Deol, Advocate, for the petitioner
In CRM M-47622 of 2024.

Mr. Manish Bansal, P.P., for U.T., Chandigarh with
Mr. Shubham Mangla, Advocate.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off two bail petitions, i.e., CRM M-47379-2024 titled as “Mahesh Jangid Vs. State of U.T. Chandigarh” and CRM M-47622-2024 titled as “Vishal Gaur Vs. State of U.T. Chandigarh”, whereby, the petitioners have applied for grant of regular bail under Section 483 of the BNSS in case FIR No. 0045 dated 23.05.2024 under Sections 419, 420, 467, 468, 471

and 120-B IPC and under Section 66-D of the Information Technology (Amendment) Act, 2008 registered at Police Station Cyber Crime, Sector 17, Chandigarh.

2. Learned counsel for the petitioner Mahesh Jangid (petitioner in CRM M-47379-2024) vehemently submits that the petitioner was not named in the FIR nor any allegations had been levelled by the complainant against him. The petitioner had shared his bank account details with his friend, namely, Vishal in good faith, who is also a co-accused in the present case. Vishal had approached the petitioner, requesting that his payment is struck somewhere and he had some issue with his bank account and, as such, need an account, in which he could get some amount deposited. Since, Vishal was his friend, the petitioner provided him bank account and he had deposited certain amounts in the said account. Learned counsel further contends that the petitioner was not known to the complainant. Even, there was no inducement or threat, directly or indirectly. Still further, all the offences in the present case were triable by the Court of Magistrate. The petitioner was in custody since 09.08.2024.

3. Similarly, learned counsel appearing on behalf of petitioner Vishal Gaur (in CRM M-47622-2024) vehemently argues that the petitioner was not named in the FIR nor had any connection with the allegations levelled by the complainant in the FIR. He further contends that Hemant Prajapati was the main accused, who was

engaged in sale and purchase of crypto currencies. Hemant Prajapati had no valid account and he had sought the help of Vishal Gaur to provide him a bank account, where he could deposit the money. Learned counsel further contends that the petitioner is in custody since 09.08.2024 and the challan has already been presented against him.

4. On the other hand, learned State counsel vehemently submits that the petitioners were part of the fraud and a sum of Rs.9.80 lacs belonging to the complainant was taken away by both the petitioners. Even, the mobile phone, which has been recovered from Vishal on behalf of Hemant Prajapati was used in several other criminal cases and 28 FIR's have already been registered in different part of the country and, thus, the petitioners are not entitled to the concession of regular bail.

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

6. In the present case, no doubt, the allegations levelled by the complainant against the petitioners are very serious, however, the petitioners are in custody for the last more than 03 months and challan has already been presented against them. All the offence are triable by the Court of Magistrate and no useful purpose will be served by keeping the petitioners behind the bars.

7. In view of the above, without commenting any further on the merits, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

8. CRM 44787 of 2024 also stands disposed off accordingly.

02.12.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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