



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-50474-2024(O&M)
Date of Decision: 02.12.2024

RASHID
STATE OF HARYANA

VERSUS

....Petitioner
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Munfaid Khan, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR mentioned
below:-

FIR No.	Dated	Police Station	Sections
08	18.03.2024	P.S. Cyber Crime Palwal, District Palwal	406, 420, 120-B of IPC

2. Vide order dated 15.10.2024 passed by this Court, the petitioner
was released on interim bail and was directed to join investigation. Order dated
15.10.2024 is reproduced as under:-

*“ The present petition has been filed under Section 482 of the
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’)
seeking anticipatory bail in case bearing FIR No. 8 dated
18.03.2024 registered under Sections 406, 420, 120-B of IPC,
1860 registered at Police Station Cyber Crime Palwal, District
Palwal.*

*Brief facts of the case relevant for the purpose of this
petition are that the aforementioned FIR was registered on*

18.03.2024 on the allegations that on the same day, a secret information was received by a police party headed by HC Devi Singh that one gang of persons was operating in the area of Palwal which was involved in extracting information regarding the details of credit cards, debit cards and bank accounts of innocent persons and by using that information, they were withdrawing money from their bank accounts and using the same for purchasing different articles and getting them delivered to them by giving incomplete addresses. It was also informed that the accused Arif who was member of one of such gangs was to come at a particular point at Palwal for having delivery of some articles purchased by using money by defrauding innocent persons. Believing the secret information, the police party immediately rushed towards the informed place. After sometime, the accused Arif was found coming on a motor bike from Government Hospital side. On noticing the police party, he tried to turn back but he was apprehended. On interrogation, he disclosed his name and particulars and also the fact that he had come there to receive delivery of some articles on asking of the petitioner. On conducting his search, a black colour box with name print of Tata Cliq was recovered from him. On opening the same, two debit cards, one gold coin of ten grams were found kept in the same which were taken into custody by the police. The co-accused Arif also revealed that the delivery of gold coin etc. had been taken by him on 16.03.2024 on asking of Rashid-petitioner. On the basis of his disclosure statement, the present petitioner was nominated as an accused. Investigation is going on. Apprehending his arrest, the petitioner moved an application for pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Palwal vide order dated 27.09.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. He has a permanent abode. There are no chances of his absconding. He belongs to a respectable family. He

is ready to join the investigation. His custodial interrogation is not required. He does not have any criminal antecedents. Therefore, it is urged that the petition deserves to be allowed.

Status report has been filed by respondent-State, as per which, the petitioner had paid an amount of Rs. 70,670/- through UPI by using his cellphone No. 9205793700 and purchased a gold coin from Tata Cliq. He is kingpin of the syndicate and is involved in cheating public persons by extracting information regarding their credit/debit card details. Through his custodial interrogation, there is possibility of unearthing of several criminal transactions by him. His arrest is likely to disclose other untraced cyber crimes. The allegations against him are serious in nature. The transaction regarding purchase of gold coin as verified from Tata Cliq is proved to have been made by using his cellphone number. For conducting thorough investigation in the matter, his custodial interrogation is must. Therefore, it is argued that the petition does not deserve to be allowed.

I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

The petitioner is alleged to have duped innocent public persons by extracting information/ details of their debit/credit cards and account numbers and by misusing that information for withdrawal of money from their bank accounts and using that money for making purchases for his wrongful gain. Learned State counsel has not been able to say from whose bank account the amount of Rs. 70,670/- was withdrawn by the petitioner. It has been submitted by him on the basis of instructions received that no complaint has been lodged before the police by the account holder from whose bank account the aforementioned amount had allegedly been withdrawn by the present petitioner. As such, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing

*personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').
Adjourned to 02.12.2024."*

4. Learned State counsel has filed status report on 14.10.2024. It is submitted that the petitioner has joined the investigation on 27.11.2024. Though it is further submitted by learned State counsel that no recovery could be effected from the petitioner, therefore, he does not deserve to be extended benefit of pre-arrest bail, however, non recovery of any incriminating articles cannot be stated to be a ground to deny the benefit of pre-arrest bail, in the considered opinion of this Court, no useful purpose would be served by detaining him in custody.

5. Keeping in view the above facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 15.10.2024 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

02.12.2024

Deepak Patwal

**(MANISHA BATRA)
JUDGE**

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable | Yes/No |