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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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Date of decision: 19th November, 2024

Abhishek

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.P. Sharma, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

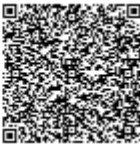
The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 78 dated 21.08.2024 registered under Sections 318(4), 319(2), 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Cyber Crime Palwal, District Palwal.

2. As per the prosecution case, the aforementioned FIR was got registered on the basis of complaint lodged by the complainant Pardeep on the allegations that on 14.08.2024, he received a message on his telegram account qua some trading and was asked to trade through 'coin desk' application wherein it was proposed to give high rate of profit. On being so induced, he transferred an amount of Rs. 25,000/- through the said application. He was then asked to send another amount of Rs. 2,00,000/- to get back Rs. 25,000/- and he sent the same. Thereafter, his number was got

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blocked and he realised that he has been subjected to online cheating/fraud. The complainant immediately reported the matter to the police. After registration of FIR, investigation proceedings were initiated and it was revealed that the cheated amount of Rs. 2,00,000/- was received in the bank account of Ujjawal Small Finances Bank. It was further revealed that the mobile phone of one Saurabh Kumar was linked with the said account. The call detail record of phone number of the said Saurabh Kumar had been obtained and it was revealed that an amount of Rs. 49,900/- was transferred from the said bank account in the account operative in the name of co-accused Ram Niwas whereas an amount of Rs. 20,000/- was transferred to Amazon account registered in the name of the present petitioner. Offence under Section 61(1) of BNS was added. The petitioner and co-accused Ram Niwas were arrested on 22.08.2024. The petitioner suffered a disclosure statement on interrogation to the effect that he had sold his bank account to the accused Mohit for a sum of Rs. 10,000/-. Investigation qua the petitioner and co-accused Ram Niwas has since been completed. The accused namely Mohit is yet to be arrested. Petitioner had moved an application for grant of regular bail before the learned Additional Sessions Judge, Palwal which was dismissed vide order dated 13.09.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 22.08.2024. His custodial interrogation is no more required. The co-accused Ram Niwas whose case is on similar footing has since been extended benefit of regular bail. On parity, the petitioner too deserves to be released on bail. He does not



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have any criminal antecedents. Therefore, it is argued that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued that the allegations against the petitioner are serious in nature and therefore, it is argued that the petition does not deserve to be allowed.

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

6. The petitioner is in custody since 22.08.2024. The co-accused Ram Niwas whose case is on similar footing has since been extended benefit of bail, though on the ground that the complainant had entered into a settlement with him. No recovery is to be effected from the petitioner. His custodial interrogation is no more required. Trial is likely to take time. The subject offences are triable by Magistrate. As such, in view of the discussion so made, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Illaqa Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th November, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No