



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

289 CRM-M-51581-2024
Date of decision: 19th November, 2024

Mahinder Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Piyush Sharma, Advocate for the petitioner.
Mr. Satjot Singh, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
11	08.08.2024	Cyber Crime District Sangrur	420 of IPC, 1860 and Sections 66(C) and 66(D) of Information Technology Act, 2000

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint filed by Pardeep Singh, alleging therein that he was running business of sale and purchase of vehicles. He had created a facebook page in the name of 'PB-13 Car Bazar' for his business purpose. He used to



upload videos of the vehicles on this page. From the last few days, some unknown persons had created a duplicate facebook profile with the same name of 'PB13 car bazar' and were uploading the same videos as uploaded by the complainant on his original facebook page. He alleged that the said unknown persons were cheating/defrauding innocent people, who were visiting the shop of the complainant and claiming their money and thereby, he was facing harassment. After registration of FIR, investigation proceedings were initiated. Applications were moved to obtain record of the said facebook page and it was found that the same was used/run with mobile No. 9780525232. It was also revealed that the IP addresses which were used for running the fake/duplicate facebook page were allotted to the mobile number 7009952758 which was found to be registered in the name of the present petitioner. That apart, the same facebook page was also found to be associated with some other numbers which were traced to be those of the accused Deepak i.e. son of the petitioner. The co-accused Deepak was arrested on 08.09.2024. He admitted that the mobile number 7009952758 was given to him by the present petitioner. The co-accused Deepak was also found to have transferred fraud money in bank accounts belonging to his sister and mother. The investigation is still underway. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Sangrur which was dismissed vide order dated 09.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is not using the alleged



fake/duplicate facebook page. As per the investigation conducted so far, the said phone number was used by his son. He is ready to join the investigation. His custodial interrogation is not required. The entire case is based upon documentary evidence and as such, no recovery is to be effected from him. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by the respondent-State, as per which, the petitioner had knowledge that the phone number issued in his name was used by his son for creating fake/duplicate facebook page and for cheating/defrauding innocent persons. It is argued by learned State counsel that the IP addresses used to run the said facebook page were found to be allotted to the mobile number registered in the name of the petitioner. There are serious allegations against him. His custodial interrogation is required for conducting thorough investigation. Hence, it is urged 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 son of the petitioner is alleged to have created a fake/duplicate facebook page in the same name which was used by the petitioner for running his business of sale/purchase of cars. Through his facebook page, the son of the petitioner is alleged to have cheated some persons by using fake IDs. However, no specific instance of cheating any particular person by use of the said page, has been quoted either in the FIR



or in the reply filed by respondent-State. As per the prosecution case also, the phone number registered in the name of the petitioner was used by his son and it is not the version that the same was used by the present petitioner. The son of the petitioner has already been arrested and released on bail. Custodial interrogation of the petitioner as such is not required as the requisite record has already been collected during the course of investigation. It is also a question of debate as to whether, the offence punishable under Section 420 of IPC had been committed by the present petitioner? As such, in the considered opinion of this Court, it is a fit case for extending benefit of pre-arrest bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his surrendering before the Arresting /Investigating Officer within a period of one week and joining investigation at that time and thereafter, also as and when required and subject to his furnishing personal/surety bonds to the satisfaction of the Investigating Officer and complying with usual terms and conditions required for grant of pre-arrest bail.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. 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