

2024:PHHC:166074



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

223

CRM-M-57470 of 2024

Date of decision: 11.12.2024

SOBHIT @ ASHU

..PETITIONER

VS.

STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J.(ORAL)

The present petition has been filed by the petitioner under Section 439 of Cr.P.C., 1973/Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023(BNSS) seeking grant of regular bail in a criminal case having FIR No. 47, dated 26.07.2024, under Section 420 & 120 B of IPC, 1860 and Section 318 (4), 61(2) of The Bharatiya Nyaya Sanhita, 2023 (BNS), registered at Police Station Hisar, District Hisar.

The allegations in nut shell are that the petitioner was part of the online fraud which was committed by number of persons against the

complainant who was defrauded of Rs. 80 lacs. During investigation, the present petitioner was arrested on 16.08.2024.

Counsel appearing on behalf of the petitioner *inter alia* submits that the petitioner has nothing to do with alleged online fraud committed by certain unknown persons against the complainant. It is further submitted that as per prosecution version number of fake bank accounts were opened by the fraudsters. However, none of the said bank accounts was in the name of the present petitioner. No money was transferred or deposited in the bank account of the petitioner and the petitioner is being nominated as accused only on the ground that he is brother-in-law of co-accused Raj Kumar. It is further submitted that one mobile phone and amount worth Rs. 2,000/- was recovered from the present petitioner who at present is lodged in judicial custody but it will take time for the trial to conclude as till date the trial has not commenced.

The present petition is resisted by the State counsel who submits that the petitioner actively participated in the online fraud committed by the accused persons against the complainant which resulted into financial loss worth Rs. 80 lacs to the complainant. It is further submitted that the petitioner was nominated as accused on the basis of the disclosure statement suffered by co-accused Raj Kumar in whose bank account amount of Rs. 17 lacs had gone out of the amount in question. However, the State counsel has not disputed the fact that no such amount has gone to the bank account of the present petitioner who is in the custody for the last about 4 months. The State counsel has not disputed the fact that after framing of charges

till date the prosecution is unable to examine any witness and further the petitioner is having no criminal antecedents.

Apparently, it appears that all the offences are triable by the Court of Judicial Magistrate Ist Class. The petitioner who was arrested on 16.08.2024 is presently lodged in judicial custody. The recoveries are already affected from the petitioner. Admittedly, the FIR in this case was registered against the unknown persons and the petitioner was nominated as accused on the basis of disclosure statement of co-accused and the admissibility and relevance of any such disclosure statement will be tested during trial. The State counsel, on instructions from SI Saurav, has admitted that out of the total disputed amount nothing has gone to the bank account of the present petitioner. In the given circumstances, as it will take time for trial to conclude. no purpose is going to be served by keeping the petitioner in custody for any longer period.

In light of the above without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate concerned.

December 11, 2024
Poonam Sharma

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No