2024:PHHC:014158

231 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 63561 of 2023 (O&M)
Date of decision : 01.02.2024

Vishal Verma
................Petitioner

vs.

U.T. Chandigarh
.................Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amandeep Singh Nirmaan, Advocate for the petitioner.

Mr.Manish Bansal, PP, U.T. Chandigarh

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PANKAJ JAIN, J. (Oral)

1. Status report by way of affidavit of Sh. A. Venkatesh, DANIPS, DSP Cyber Crime and I.T., U.T.,Chandigarh, has been filed. The same is taken on record.

2. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 70 dated 01.07.2023, registered for the offences punishable under Sections 419, 420, 120-B, 467, 468 and 471 IPC, at Police Station Cyber Cell, Chandigarh.

3. The FIR was registered on the basis of information received from Nimarata Kingra, who is alleged to have been duped for an amount of Rs.7,62,000/- by way of different transactions effected through mobile. The role of the petitioner has been spelled out in the status report filed by the Agency, before this Court and the same reads as under :-

"ROLE OF THE PETITIONER

5. That during the course of investigation it has come on record that the duped amount of Rs.7,62,000/- of the complainant has gone to 11 different bank accounts, out of which Rs.80,000/- by way of two transaction of Rs.40,000/- each has been transferred in Account bearing No. 93820700000201 of Yes Bank belongs to the present petitioner and during the course of investigation it has come on record that SIM No. 7733064968 which was linked with this bank account pertains to the present petitioner. It would be pertinent to mention here that the mobile set in which this above SIM number has been used is recovered from the co-accused named Taufiq Alam who has been granted regular bail.

Even petitioner has made a disclosure that he had provided his Yes Bank Account details through WhatsApp/Telegram to co-accused Taufiq Alam of Delhi who was apprehended on 30.07.2023 and mobile phone in which above said SIM used was recovered from him."

4. Counsel for the petitioner submits that whole of the case is based upon documentary evidence, as there is no allegation with respect to the cash amount. The investigation stands concluded. The prosecution itself after investigation has found that the bank account in the name of the

petitioner was being used by Taufiq Alam, as the SIM number attached to the bank account was being used by him. The petitioner is behind the bars since 26.7.2023, i.e. for more than 6 months. He further submits that Taufiq Alam stands admitted to bail by this Court vide order dated 16.11.2023, passed in CRM-M-56665-2023

5. Per contra, Mr. Manish Bansal, PP, U.T., Chandigarh has opposed the bail application, submitting that the money trail can be traced to the present petitioner, which shows that he was active participant in the whole crime and thus he does not deserve the concession of bail.

6. I have heard learned counsel for the parties and have gone through the records of the case.

7. Without commenting anything on the merits of the case, keeping in view, the incarceration suffered by the petitioner, keeping in view the fact that the challan already stands presented and the evidence majorly constitutes bank transfers, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

01.02.2024
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No