

[236] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64708-2023
Date of Decision : 08.02.2024

Mustufa ...Petitioner
versus
State of HaryanaRespondent

Coram : HON'BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Sanyam Khetarpal, Advocate for the petitioner.
Mr. Pawan Kumar Jhanda, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

[1] The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.0056, dated 19.10.2023 under Sections 419/420/467/468/471 IPC, 1860 registered at Police Station Cyber Crime Nuh, District Nuh, Haryana.

[2] Status report by way of affidavit dated 06.02.2024 of Shri Kaptaan Singh, HPS, Deputy Superintendent of Police, Ferozpur Jhirka, Nuh, on behalf of the respondent-State along with custody certificate dated 07.02.2024 have been filed in Court today. Copies thereof supplied to learned counsel opposite.

[3] Allegations are that on 19.10.2023, police received secret information to the effect that petitioner used to cheat public by creating fake Instagram account on his mobile. Raid was conducted. Petitioner was apprehended. On search, 02 mobiles were recovered from him. On checking the details of those mobiles, it was found that one Instagram

account has been opened and petitioner used to send messages to different persons and ask them to contact him for earning Rs.30,000/- in advance and Rs.15,000/- per month by packing pencils and pens.

[4] It is contended by counsel for the petitioner that the petitioner has been falsely implicated; that no recovery had been effected from him. Learned counsel further submits that out of the 02 mobiles recovered from him, 01 belong to him and the other belongs to his cousin. Learned counsel also contends that all the offences are triable by the Magistrate, that he is in the custody for the last more than 03 months and so he be allowed bail.

[5] Learned State Counsel on specific query from this Court, as to whether any of the victim made a complaint against the petitioner, disclosed that holders of the sim found to be inserted in the mobiles recovered from the petitioner, namely Bunty and Mohit, were joined in the investigation and their statements were recorded under Section 161 Cr.P.C. It was found that an amount of Rs.600/- was transferred in the account of Mohd. Irfan, who was also joined the investigation.

[6] Heard.

[7] As per the custody certificate, the petitioner is in the custody for the last 03 months and 18 days. Although, petitioner is involved in one more case bearing FIR No.281 dated 02.08.2023, registered at Police Station Firojpur Jhirka, Mewat, but he is on bail in that case as per the copy of order dated 09.01.2024 placed on record by learned counsel for the petitioner. All the offences are triable by the Magistrate. Trial may take time to conclude.

[8] Having regard to the above facts and circumstances and the fact that trial is likely to take time to conclude, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

08.02.2024
'Rajneesh'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No