235 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.65161 of 2023 (O&M)
Date of decision : 09.01.2024

Krishan Kant Runthla ...... Petitioner

versus

State of Haryana ...... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

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Present :- Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana

Mr. Varun Veer Chauhan, Advocate
for the complainant.

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PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.38 dated 26.09.2022, registered for the offences punishable under Sections 384 IPC and Section 67-A of Information Technology (Amendment) Act, 2008 during investigation Sections 120-B/420 IPC have been added at Police Station City Cyber Crime, Hisar, District Hisar.

2 As per the contents of FIR, it has been alleged as under :-

"Respected Sir, the applicant submits as under: 1. That I am resident of House number 302 PLA Hisar and I was preparing for competitive exams by studying at home only. 2. That around 20-25 days back I have seen an advertisement on Instagram in the name of Loan Bro and that after getting information for getting loan in this application, on dated 06.09.2022 I have installed application Loan Bro and as per the information available it is required that I have to

upload short video of my PAN card and aadhar card and after you will get loan of Rs.3759/- and from that Rs.1518/- wiil be taken from you on the pretext of file charge and other expenses. That due to dire need of money I uploaded my PAN Card, Aadhar card and short video. After that I have received Rs.2244/- in my PNB account number 0203001500012127 after deduction of file charges and other expenses. That in this regard a message has also been received regarding loan confirmation. 3. That I have to repay the above said loan in seven days and on the seventh day i.e. 14.09.2022 at about 10:30 A.M. in the morning I have received call on whatsapp and asked me repay the whole amount till 12 o'clock. When I asked about the mode of repayment then they gave me one account then I asked that I can directly pay back my loan on the loan application, then they said I can make the payment and it was told to me that single instalment is of Rs.1708/-. That I have deposited Rs.1708/- as instalment of loan on loan app but that was not reflected on loan app, although money has been debited from my account and when I talked to them on whatsapp then they told to send Rs.1710/- more. That on their saying I got deposited Rs.1710/- and they told after about 30 minutes it be reflected as cleared loan. 4. That today on dated 21.09.2022 I have received call from above said loan app that Rs. 3759/- are pending and asked to repay the same although I have repaid the loan and also sent the screen shots and then they said loan is reflected in our system and you have to repay the same and that I told them that I have all the proofs and I do not have any information about your system and now I will not repay any loan. 5. That all the person who are connected with the app started threatening (hooliganism) when I told that I will not repay the amount and they edited my photographs in objectionable manner and started sending them on my contacts on whatsapp. That I came to know from many friends that my objectionable photographs are getting viral and today during the daytime I have received video call from above said loan app and it was told that if I will not repay the loan then you have to face the consequences and the above said accused persons are sending my edited objectionable photos to my friends. 6. That the above persons with some technique have hacked my complete phone and all data of my phone is with *them and since when I downloaded the application on my phone, there is something wrong happened in my phone and most of my data has been formatted. 7. That the above said loan app could be prepared by cyber criminals and besides me thousands of persons have been blackmailed. Therefore, this gang be located and it is important to catch them. Therefore, the application is given and it is requested that case be registered against the above said operators and persons who are involved in this gang. I can produce all the digital evidence which I have before you."*

3 Custody certificate has been filed. The same is taken on record.

4 Learned counsel for the petitioner submits that all the offences are triable by Magistrate. Investigation stands concluded. Challan stands presented. Petitioner is a young boy who is an undergraduate student of 18 years age. There cannot be any apprehension that he shall tamper with the evidence and his custody cannot be prolonged as a punitive measure and thus he would be entitled for bail.

5 *Per contra*, learned State counsel and counsel for the complainant have opposed the bail plea by claiming that the allegations levelled against the petitioner are serious in nature. The allegation is also in respect of serious cyber fraud wherein on the pretext of extending loan, the privacy of the complainant has been breached by hacking his mobile and thus the petitioner is not entitled for release on bail.

6 Having heard rival contentions and after going through the records of the case, this Court finds that indeed the allegations levelled in the FIR do point out towards the serious scam and the same being cyber scam has a wide-stream. However, purely keeping in view the fact that the petitioner is a young student and has clean antecedents, present bail plea is accepted.

7 Without commenting on the merits of the case, the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned subject to the following conditions :-

(i) During the bail the petitioner shall not commit any offence.

(ii) He shall share his phone details with police authorities and shall not change the mobile number or hand-set except after informing the police authorities.

8 In case, any of the aforementioned conditions is breached, the prosecution or complainant shall be at liberty to move an appropriate application seeking cancellation of bail.

9 Needless to say anything recorded herein shall not be construed as an expression of opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.01.2024
Pooja sharma-I

Whether speaking/reasoned Yes
Whether Reportable : No