IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

224

CRM-M-968-2025
Date of decision: 10.07.2025

EMEKA COLLINS OFILI ....Petitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Abhinav Sood, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

SANJAY VASHISTH. J.(Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	**FIR No.**	**Date**	**Section(s)**	**Police Station**	**District**
EMEKA COLLINS OFILI	**11**	**09.02.2024**	**420, 467, 468, 471, 120-B and 201 of IPC (Section 411 IPC, Sections 66C and 66D of IT Act, 2000 and Section 14 of Foreigners Act, 1946 Act) added later on**	**Cyber Crime**	**Rohtak**

2. Learned counsel for the petitioner contends that it is a case of cyber

crime, whereby the complainant namely Ramesh Chand Yadav has been defrauded with sum of Rs.19,61,800/- and case of the prosecution *qua* all of them can be acknowledged from paragraph No.2 of the impugned order dated 27.11.2024 (Annexure P-7), whereby regular bail petition of the petitioner (Emeka Collins Ofili) has been dismissed. The same is reproduced hereasunder:-

> ***"In brief, the prosecution case is that complainant Ramesh Chand Yadav, a Senior Radiographer in Shyam Lal Building, PGIMS, Rohtak, was sent an e.mail regarding his being a winner in Google Global award and him being awarded a sum of Rs. 10,599,397/- (950,000 british pound), pursuant to which, he was made to pay a sum of Rs. 19,61,800/-in total fraudulently from time to time w.e.f. 15.01.2024 to 18.01.2024 on one pretext or another on false promise of transferring the winning amount in the account of the complainant. On this complaint, formal FIR under Sections 420/467/468/471/120B IPC was registered. Investigation was launched. Statements of concerned witnesses were recorded under Section 161 Cr.P.C. Printout of bank statement of complainant as well as of conversation, conducted through e.mail between the complainant and the accused party, was obtained. Relevant record/details from Google was also collected, as per which, e.mail ID had been prepared on 13.08.2023 and its creation IP was 103.13.104.238 dated 13.08.2023 at 08:22:53 Z. During investigation, it also transpired that log in IP of this same e.mail ID was from 09.02.2024. Thereafter, it came up that the consumer of this creation IP was Emeka Collins Ofili, resident of House No.623, Sultanpur Masjid Road, near Masjid Sultanpur, Delhi. Then, relevant record was obtained from Canara Bank, Indusind Bank and Federal Bank, Rohtak of which, account in Indusind Bank was in the name of Vishnu Choudhary resident of District Gaya and these banks were used for transferring of various sums of amount from the complainant. During further investigation, allegations***

were verified by senior police officers and consequent upon verification of allegations, accused Emeka Collins Ofili Sanu Solomon, Kapil Sharma, Vasudev, Rata Ram, Udey Kumar and Ogochukwu Esther Uzor were arrested and joined in investigation. Two mobile phones (Nokia) containing Airtel SIM were recovered from accused Emeka Collins Ofili. As Visa of accused had already expired, accordingly, Section 14 Foreigner Act, 1946 was added. In pursuance of disclosure statement of accused Emeka Collins Ofili, laptop, charger, 1-phone, Wi fi dongle and remaining amount of Rs.25,000/- out of his total share of looted/cheated amount were recovered. Likewise, a sum of Rs.67,000/-,Rs. 1,20,000/-, Rs.38,000/-, Rs.40,000/- alongwith I-phone etc. were recovered from accused Sanu, Kapil, Rata Ram and Vasudev, whereas, Rs.5,35,000/- and two mobile phones (Read Me 10 and I-phone) were recovered from Udey Kumar while it was disclosed by accused Ogochukwu Esther Uzor that Rs.1,80,000/- of cheated amount was transferred in his account by co-accused Emeka. One mobile phone was A also recovered from possession of accused Emka. The recovered electronic devices were sent to Cyber Forensic Lab, Panchkula for analysis of data."

3. Counsel further argues that all the other co-accused have been released on bail long time back and it is the petitioner only who is still there inside the jail. The names of the bailed out co-accused along with date of order reads as under:-

Name of co-accused	Bail order
Udey Singh	10.04.2024
Vasudev Sharma @ Mahesh and Ratta Ram @ Ratta	12.04.2024
Sanu Solomon @ King	12.04.2024
Kapil Sharma	26.04.2024
Ogochukwu Esther Uzor	23.07.2024

3. In this case, it is the petitioner who is inside the jail for the last more

than 01 year and 03 months, as is clear from the details given by the petitioner and same is being mentioned hereabove that all the relevant recoveries have already been effected from the petitioner and presently he is inside the jail only to await the final decision of the trial.

Detailing the status of trial, counsel argues that till date not a single prosecution witness has been examined and therefore, it is the petitioner only, who is suffering incarceration because of delay in the proceedings, whereas, allegations are yet to be proved. Petitioner is a foreign national and on expiry of visa, he has been subjected to the offence under Section 14 of the Foreigners Act also.

Further argues that, offences under Section 66C and 66D of IT Act, 2000 have also been added at the time of presentation of the final report.

By referring to the bail orders *qua* other co-accused, counsel also points out that even complainant has given the statement before the Court that matter has been compromised with some of the accused namely Udey Singh, Vasudev Sharma @ Mahesh and Ratta Ram @ Ratta, Sanu Solomon @ King and Kapil Sharma, therefore, there would be another aspect to adjudicate, that once alleged act of crime is compromised with 5/6 accused partially, whether prosecution would be able to succeed or not against the petitioner only.

4. Learned State counsel has vehemently opposed the prayer of grant of bail to the petitioner, keeping in view the nature of allegations and the gravity of offence involved in it. He further submits that if the petitioner is granted concession of bail, there is every likelihood of absconding of him during the trial and can again indulge in similar kind of activities.

5. This Court has heard the learned counsel for the parties concerned, and has also gone through the record before it.

6. Considering the fact that petitioner is there inside the jail for the last more than 01 year and 03 months period and till date not a single prosecution witness has been examined, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

10.07.2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No