



205

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

CRM-M-5450-2025 (O&M)

Date of decision : 21.05.2025

Md. Afzal Hussain

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gagan Oberoi, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the B.N.S.S.') has been filed for grant of pre-arrest bail to the petitioner in FIR No.0265 dated 14.10.2022, under Sections 420 and 120-B of Indian Penal Code, 1860 (for short 'IPC') and Section 66C of the Information Technology Act, 2000, registered at Police Station Division No.06, Ludhiana.

2 Allegations are that petitioner along with co-accused, namely, Jamila Bibi had cheated and defrauded the *de facto* complainant to the tune of Rs.99,025/- on the pretext of offering 20% discount on his credit card.

3. Contentends that petitioner is neither named in the FIR nor he has played any role in the commission of alleged crime; thus, he has been falsely implicated in the present case.



3.1 Further contends that although bank account No.20012100579717 is opened in the name of petitioner with the State Bank of Mauritius; but he has no concern with the same nor he has opened the same at any point of time. Even the mobile number furnished while opening the bank account also belongs to one Jamila Bibi Noapara, who is stated to be resident of West Bengal; but having no connection in any manner with the petitioner.

3.2 Also contends that someone might have misused his identity and opened the bank account; but in any case he is having no concern with the alleged bank account.

3.3 Lastly contends that there was no email ID registered with the bank account.

4. *Per contra*, learned State counsel while opposing the prayer submits that money, at the first instance, has gone into the Mobikwik wallet and thereafter, it was transferred in the account No.20012100579717 which concededly belongs to the petitioner. If at all, he is raising any plea that the account does not belong to him would be a matter of trial; thus, at this stage, his custodial interrogation is very much necessary to know the true facts of the case. She also submits that even the mobile number which was given while opening the bank account belongs one Jamila Bibi, who is resident of West Bengal; thus, it is a big racket running the said fraud.

5. Heard learned counsel for the parties and perused the paper-book.



6. There is no dispute that petitioner was not named in the FIR; rather his name surfaced during investigation after verifying the bank account No. 20012100579717, where money has ultimately gone from the Mobikwik Wallet and as on today, the account is existing in the name of present petitioner. The mobile number No.90731-99065 attached with the above bank account belongs to one Jamila Bibi (co-accused), who happens to be the resident of West Bengal; thus, *prima facie*, it seems to be a cyber fraud and as such, custodial interrogation of the petitioner would be very much necessary to reveal the true facts.

7. In view of the above, there is no option except to dismiss the petition.

8. So ordered.

9. It is clarified that above observations be not construed as an expression of opinion on merits of the case, in any manner.

Pending application(s), if any, shall also stand disposed off.

21.05.2025

d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No