IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-9084-2025
Reserved on: 10th March, 2025
Pronounced on: 12th March, 2025

Saurabh @ Saurav @ Sourabh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashish Chauhan, Advocate for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

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MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 182 dated 20.10.2024 registered under Sections 420 and 120-B of IPC at Police Station Cyber Crime, Ballabhgarh, District Faridabad.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of a written complaint lodged by the complainant Lokesh Kumar alleging that he had received a call on his mobile phone from a particular cell phone number and the caller asked him to join the business of making reviews and giving ratings to certain hotels/restaurants by offering that he would fetch income of Rs. 1500-2000/-. On being induced by the said caller, the

complainant agreed to the task given by the said caller. A trading online account had been prepared in his name and he received some money. He received calls from different callers and did the tasks assigned to him. He was also induced to invest some money for trading in bit coin, which too had been done by him. The complainant was then asked to deposit more money on the pretext that he would be fetching good returns. On asking of the callers, he transferred an amount of Rs. 19,000/- in the bank account of the petitioner through PayTM. Subsequently, also he deposited money but when he asked for withdrawal of that money, he was told that his account has been frozen. By alleging that the callers and the petitioner had duped him a sum of Rs. 4,84,300/- by conniving with each other, he prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, present petitioner had moved an application for grant of regular bail before the learned Additional Sessions Judge, Faridabad which was dismissed vide order dated 22.01.2025.

3. It is argued by learned counsel for the petitioenr that he has been falsely implicated in this case. Infact, he himself is a victim since, he was asked by his acquintance Deepak to give his mobile phone and debit card for some transaction and by trusting him, he had given his phone to said Deepak. An amount of Rs. 19,000/- was transferred in his bank account. The said account had been frozen after transaction had been done by Deepak. The said Deepak had assured to get the issue resolved from the bank and it was only later on that the petitioner discovered that his account had been fraudulently accessed. The ingredients for commission of offence of

cheating are not attracted against him, since he had never induced the complainant to part with any amount and as per the allegations, it was the complainant himself who had been investing money and transferring the same on asking of some other unknown callers. He is in custody since 28.12.2024. He is a student by profession. He has a permanent abode. There are no chances of his absconding or tampering with the evidence. Therefore, it is argued that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Haryana that there are serious allegations against the petitioner. He was named in the FIR. An amount of Rs. 19,000/- was transferred in his bank account from the account of the complainant. He has a link in the chain of the online fraudsters who are engaged in the business of cheating and defrauding several public persons on the pretext of making online investments and fetching profits. There are chances of his fleeing or intimidating the witnesses, if extended benefit of bail. The co-accused are yet to be arrested. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have hatched a conspiracy with the other co-accused and in pursuance thereof, the complainant was induced to depositing money in different bank accounts including bank account of the petitioner and was duped of that amount. As per the status report, the petitioner had joined in a group of online Chinese fraudsters, had opened an account and had provided the details of the said account. He used to

communicate with those fraudsters. He also received an amount of Rs. 6,000/- in the transaction that took place as his share in the transaction of Rs. 19,000/-. He is a member of network of persons involved in cyber crime. The allegations against the petitioner are quite serious in nature. The material witnesses are yet to be examined. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that he does not deserve to be released on bail at this stage. Hence, the petition is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th March, 2025
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No