2025:PHHC:058239

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

CRM M-13624 of 2025
Date of Decision: 08.04.2025

Tohid ...Petitioner

Versus

State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Arjun Dhingra, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the BNSS, 2023 with a prayer to grant anticipatory bail to him in case FIR No.291 dated 11.07.2023 registered under Sections 420 and 120-B of IPC and Section 25 of Arms Act 1959 at Police Station Hathin, District Palwal, Haryana.

2. The FIR in the present case was registered on the basis of the statement made by ASI Updesh and the same has been reproduced below:-

> *"To Police Station Sir Hathin, Jai Hind, Today my ASI along with HC Skumudin 1026/Palwal EHC Rashid*

457/Palwal in vehicle government Bolero HR-03GV-8103 driver EHC Salim 530/Palwal were present at Hathin Rest House Chowk for patrolling crime investigation when a special informer met me and informed that Sohail son of Chatoli alias Majeed and Arbaaz son of Jameel residents of Tingaav Police Station Punhana District Nuh, both have illegal weapons and in connivance with their other associates, they cheat people online and withdraw the cheated money from their ATM accounts and give it to them and take 10% share in the cheated money and even today a black color motorcycle Splendor was found near HDFC Bank near Hathin Bus Stand with illegal weapons or ATM cards while trying to withdraw money through fraud. They are standing with the person with number HR 93C 0945, if search is done immediately then illegal weapons and ATM cards can be seized. The ASI, believing the information to be true, informed his fellow employees and reached the place told by the informer near Hathin Bus Stand, where two young boys were sitting on a black colour Splendor motorcycle number HR 93C 0945, who, on seeing the police vehicle coming, left the motorcycle at the spot and started running towards the bus stand. That ASI, with the help of his fellow employees, captured both the boys. A crowd of passersby had gathered near Hathin Bus Stand, who were asked to become witnesses, but all of them expressed their compulsion and left the spot. On asking the names and addresses of the two captured boys, one gave his name as Sohail son of Chatoli alias Majeed, resident of Tingaav Police Station Punhana District Nuh and the other boy gave his name as Arbaaz son of

Jameel resident of Tingav Police Station Punhana District Nuh. When the boy named Sohail was searched, a country made pistol of .315 bore was found in the left pocket of his jeans and in the right pocket 2 HDFC BANK ATM cards with the number 652166021896977 and another ATM number 4160211532221844 and Rs.1,80,500/- which were 360 notes of Rs. 500 each or 5 notes of Rs. 100 each were found. When they were inquired about the money, he did not give a satisfactory answer and started making evasive answers. When the illegal weapon was opened and checked, the barrel was found empty, which was seized separately. After preparing the blueprint and measuring it, the length of the barrel was 13 CM or the body was 10 CM but the length of the wood was 8.5 CM. For which a separate roll was prepared and it was stamped with UK stamp recovered pistol and Rs. 1,80,500/- and ATM card, a separate roll was prepared and it was stamped with UK stamp. The recovered pistol, spy and ATM card were taken into police possession as evidence. When the other person, Arbaaz son of Jameel resident of Tingav, Police Station Punhana, District Nuh was searched, 2 live cartridges were found in the right pocket of the pant of the person, on checking which 8 MM KF was written on the bottom, for which a separate roll was prepared. On counting the left pocket, 90 notes of Rs. 500 each, totaling Rs. 45,000 or 2 ATM card numbers were found. 4160211534504312, 4160211536981369 were found, when inquired about the recovered money, no satisfactory answer was given, so a separate blueprint was prepared of the recovered 2 live cartridges and a *separate bundle of the recovered money and the ATM was prepared and the seal was affixed from UK stamp and after the seal was used HC Rukmuddin No. 1026/PWL, and the recovered live rods and money were taken into police custody separately as evidence of reason, on the report the accused or the witnesses signed their respective signatures, and when permit or license was asked from both the persons, then none of them could produce any permit or license, and the motorcycle HR-93C-0945 black colour, brand Splendor Plus parked at the spot was taken into police custody as evidence of reason, a report was prepared and both the persons and the witnesses signed their respective signatures on the report, which the accused had signed. In connivance with other associates, by cheating people, taking 10% share in the money received and giving the rest of the money to them, and keeping illegal weapons or raund in his possession without license or permit, has committed the offence under section 420,120, IPC or 25-54-59 A.ACT. Hence, by preparing the complaint on his personal laptop, taking out the print and getting the case registered, EHC receipt No. 457/PWL is being sent to the police station. After registration of case number inform through the form and other investigator should be sent to the spot for further investigation. ASI along with the accused and the goods, along with the employees, have come to the spot. Today, in front of Bus stand, PM) Tehrir Hathin ATV Staff Hathin Date 11-7-23 AT-8:00".*

3. Learned counsel for the petitioner contends that the name of the petitioner was not mentioned in the FIR nor the petitioner had any concern with the allegations levelled by the complainant in the

present case. In fact, the name of the petitioner was introduced in disclosure statement of co-accused Sohail and the said statement does not carry any evidentiary value. He further contends that Sohail, co-accused has already been granted the concession of regular bail by the Court of SDJM, Hathin, vide order dated 16.08.2023 (Annexure P-2). Learned counsel further contends that the petitioner is ready to join the investigation and may be granted the concession of anticipatory bail.

4. On the other hand, a status report has been filed by way of an affidavit of the DSP, Hathin and the same is taken on record. Learned State counsel submits that after the registration of the FIR, the statements of the witnesses were recorded and the crime scene was inspected. Even, sufficient evidence was found against the present petitioner as well. The co-accused Sohail stated in his disclosure statement that he used to deposit the money obtained by way of fraudulent means in different accounts through a swipe machine and used to withdraw it through Tohid (the present petitioner), for a 10% commission. He further stated that the swipe machine could be recovered from his friend Nazim son of Kamaru. Learned State counsel further submits that the present petitioner is the main accused in the present case and ATM cards have yet to be recovered from him, which were used for depositing the money into the accounts via a swipe machine at CHC Center by Sohail. Apart from that, the details of accounts used for cyber fraud were yet to be

investigated and the involvement of the other accused was also to be investigated. Apart from that, the mobile phones used by the petitioner to commit cyber fraud and cheating, in collusion with other, were yet to be recovered. Thus, the petitioner was to be thoroughly interrogated and his other accomplices were yet to be identified by the police during the course of investigation in the present case. Learned counsel further contends that in the present case, the present petitioner was constantly in touch with Sohail and several calls were exchanged between them. Still further, the petitioner was the main accused and his custodial interrogation was required in the present case.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, from a perusal of the FIR, it is apparent that serious allegations of cyber fraud have been levelled against several accused. Even, it has been found during the investigation that the ATM cards, which were used for the commission of crime are yet to be recovered from the petitioner. The petitioner had used these ATM cards to deposit the money into the accounts by using swipe machine at the CHC center, which was run by Sohail, co-accused. Apart from that the recovery of the ATM cards, the police is yet to know the details of bank accounts and the account holders, which were used by the petitioners and his accomplices in the commission of the crime. Additionally, the mobile phones used by the

petitioner to commit the fraud and cheating in collusion with the other accused are yet to be recovered from him. Thus, keeping in view the gravity of the offence besides need of custodial interrogation of the petitioner, the present petition deserves to be dismissed by this Court.

7. Dismissed.

8. The above observations have been made only for the limited purpose of disposal of the present bail application and shall not be construed as an expression of opinion on the merits of the case.

08.04.2025 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

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