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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23652-2024(O&M)
Date of decision:-04.03.2025

SITA RAM RAY

... Petitioner

Versus

U.T. CHANDIGARH

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Meghna Nehra, Advocate,
for Mr. Rahil Mahajan, Advocate for the petitioner.

Mr. Manish Bansal, PP UT Chandigarh and
Mr. Rajiv Vij, APP UT Chandigarh.

SANJIV BERRY, J.(ORAL)

CRM-48955-2024

1. The instant application has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, BNSS,2023 for placing on record Challan/Final Report dated 14.03.2024 as Annexure P-4.

2. The application is allowed, subject to all just exceptions. Challan/Final Report dated 14.03.2024 is taken on record as Annexure P-4.

Main case

1. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case :-

FIR No.	Dated	Sections	Police Station
126	18.12.2023	419, 420, 467, 468, 471, 120-B IPC	Cyber Crime, Sector-17, U.T. Chandigarh



2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner is having no concern whatsoever with the allegations levelled in the FIR nor has participated in the alleged crime in any manner and he has been in custody for 3 months and 29 days before granting of interim bail by this Court vide order dated 21.05.2024. He contends that the petitioner is not beneficiary of any such transactions and the challan has already been presented in Court wherein 7 witnesses have been cited by the prosecution and none of them have been examined. Hence prayed for grant of regular bail.

3. Per contra learned State counsel referring to the reply filed by the State has opposed the bail application by submitting that the petitioner happens to be one of the member of gang indulging in cyber crime whereby the complainant was defrauded. He contends that the mobile phone attached with the account has been recovered from the petitioner, as such he does not deserve concession of regular bail.

4. After considering the rival contentions and perusing the record, it transpires that the present FIR was registered on the complaint of Birender Singh alleging that on 06.12.2023 he received a call on Whatsapp from unknown number and the caller posed himself as Treasury Officer asking the complainant that his Life Certificate is not accepted due to which his retrieval benefits will be stopped. Subsequently, he received another call on Whatsapp and the caller introduced himself as Treasury Officer asking his personal details which he shared with the caller and on 11.12.2023 the services of the



mobile phone of the petitioner stopped due to which he went to the service provider and came to know that his mobile number has been ported out. On contacting the Bank Authorities he came to know that amount of ₹18.81 lakhs and ₹1.94 lakhs have been withdrawn from his account. Accordingly FIR was registered. Subsequently the petitioner alongwith co-accused Soumodeep Sarkar, Rohit Sharma and Tasim Hussain were arrested. Later co-accused Rohit Sharma, Tasim Hussain and Somoudeep Sarkar, on compounding offences have been acquitted vide orders dated 13.05.2024 and 07.06.2024 respectively (Anexure P-5 and P-6) by the learned trial Court. During course of hearing petitioner was granted interim bail by this Court on 21.05.2024.

5. It is evident from the record that as per the allegations the amount from the account of the complainant was transferred in various bank accounts, however, none of them belongs to the petitioner and as per the allegations he was using the bank account in the name of one Arpita Bhattacharya and the SIM card attached to the account was recovered from him. The petitioner remained in custody for 3 months 29 days before being granted concession of interim bail by this Court on 21.05.2024. The petitioner is not having any criminal antecedents. The conclusion of trial will take sufficient long time to conclude, therefore, no purpose would be served by sending the petitioner in custody again in the present case triable by the Court of Magistrate.

6. In these circumstances, without commenting on the merits of the case, the interim bail granted to the petitioner vide order dated 21.05.2024 is hereby confirmed and the present petition is allowed with the direction to the

petitioner to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

04.03.2025

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No