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CRM-M-29877-2024
Reserved on : 03.04.2025
Pronounced on: 22.04.2025.

...PETITIONER

...RESPONDENT

Ms. Harpreet Kaur, AAG, Haryana.

FIR No.	Dated	Sections	Police Station
54	05.05.2024	419, 420, 120-B of IPC	Cyber Crime Ballabgarh, District Faridabad

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 of Cr.P.C., seeking anticipatory bail.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner was released on interim bail vide order dated 14.06.2024 which is continuing till date.
4. The facts and allegations are taken from the translated copy of FIR (Annexure P-1) which reads as follows:

"It is a humble request that I am Bhushan S/O Mr. Satveer R/O House No. 145 Village Kurali. Tehsil, Ballabhgarh, Faridabad, Haryana. That I got a call on 01.04.2024 from mobile number 9990688704 who stated his name as Vinod and said that he is an employee of HDFC Bank and further said that there is an extra charge of Rs 2500 on my credit card number 5372060014509692 and said that if you want to get it removed, then share your Credit card details like card number. expiry date. CVV as it will have to be mentioned. Then I shared him all the details, after sometime I got some OTPs which he asked me to tell him, under his influence I told him the OTPs After that, I received a message of deduction of Rs 48.623.04 on my phone. in which it was written that payment would be made on no broker. After that I tried to



call him again but he did not answer any of my calls. After which I realized that I had been cheated and I called the customer care and got my credit card blocked and registered my complaint online by calling 1930. the acknowledgment number of which is 31304240018815. Therefore, I request you to register my complaint and take appropriate judicial action and get my money back."

5. The petitioner(s) counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and nothing has been recovered from him. He further submits that he is not involved in any other criminal case and main accused already granted benefits of bail.

6. State counsel opposes bail and submits that main accused granted regular bail not anticipatory bail.

REASONING:

7. No recovery has been effected from the petitioner and he is not involved in any other criminal case, main accused already released on bail, as such, petitioner is entitled to bail.

8. There is sufficient prima facie evidence connecting the petitioner(s) with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing the same for the bail stage.

9. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

10. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

12. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.



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14. **Petition allowed** in terms mentioned above. Interim order is made absolute. All pending applications, if any, stand disposed of.

22.04.2025
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(ANOOP CHITKARA)
JUDGE

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