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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 49843-2024
Date of decision:-22.01.2025

SAHIL CHAUHAN
... Petitioner
Versus
STATE OF U.T.CHANDIGARH
... Respondent

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

Present:- Mr. Sanjeev Goyal, Advocate, for the petitioner.
Mr. Manish Bansal, P.P., U.T., Chandigarh.
Mr. Avinash Singh, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS) for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
58	12.06.2024	419, 420, 467, 468, 471, 120-B IPC	Cyber Crime, Chandigarh

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and no specific overt act is attributed to the petitioner nor he is named in the FIR and is in custody since 25.08.2024. He contends that even the matter has been compromised between the petitioner and the complainant vide compromise deed dated 19.10.2024 copy of which is placed on record. He



prays for grant of concession of regular bail to the petitioner by submitting that challan has already been presented in Court as such petitioner is no more required for further investigation.

4. *Per Contra*, learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner is involved in cyber crime whereby complainant sustained huge loss. He submits that challan has already been presented against the petitioner in the trial Court and prayed for dismissal of the bail petition.

5. Learned counsel appearing on behalf of the complainant has not disputed the factum of compromise dated 19.10.2024 effected between the complainant and petitioner and submits that the complainant has already resolved the dispute with the petitioner and has no objection, if bail is granted to the petitioner.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the statement of Amarbir Singh Walia, complainant stating that while surfing on Instagram he had seen advertisement regarding investment on online stock sale and purchase and when he clicked the link he was added in a whatsapp group and started receiving calls and messages regarding tips of investment. The complainant downloaded an app ' Appolo Academy-EAAI' and his account was created, thereafter he started investing money through the said app. When he invested ₹15 lac in Ujiwan Bank Account no. 1194120040000282 his ICICI Bank Manager called him and told that it was a cheaters account involved in the Cyber crime but by that time the complainant had invested more than ₹1.68 crores in different accounts and when the complainant tried to withdraw money invested in the app he failed to do so, and hence the FIR was

registered. It is observed that as per the case of the prosecution the petitioner was nominated on the disclosure statement of co-accused Lakhwinder Singh alleging that the account in which the complainant had deposited ₹2 lakhs was although in the name of Lakhwinder Singh but was operated by the present petitioner. Accordingly the petitioner was arrested on 25.08.2024 and since then he is in custody. After completion of investigation, challan has already been presented in Court. Further as stated above the complainant had effected compromise on 19.10.2024 with the petitioner and has no objection if the bail is granted to the petitioner. Admittedly the petitioner is not having any other criminal antecedents and the conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking 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.

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

(SANJIV BERRY)
JUDGE

22.01.2025

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