

CRM-M-65265-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65265-2024
Reserved on: 20.02.2025
Pronounced on: 28.02.2025

Suraj Lal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saransh Sabharwal, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
46	15.06.2022	Cyber Crime MDC, Panchkula, Distt. Panchkula	66C/66D of IT Act (Section 420, 468, 471, 120-B IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the case of the prosecution in nutshell is that the present FIR No.46/2022 was initially registered u/s 66C and 66D of Information Technology Act 2000 on the basis of an online complaint filed by Satyajeeet S/o Surender Kumar R/o Vill. Munnawali District Sirsa on the allegations that he downloaded an App New Mont from telegram for the purpose of doubling his amount and sent the payment to someone for the aforesaid purpose. However, said person neither returned the amount of the complainant nor talked to the complainant. In this way, it was a fraudulent transaction. FIR is already annexed as P-1 with the petition.”
4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

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5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That the role of the petitioner, co-accused Chirag Kinra and Aakash Ahuja in the crime is that co-accused Chirag Kinra was known to co-accused Aakash Ahuja since a long time. The co-accused Aakash Ahuja is an expert in Cyber Crime and he asked the co-accused Chirag Kinra to get the accounts of Suraj Lal and others opened with the banks. The co-accused Aakash Ahuja offered to pay an amount of Rs.25,000/- to Rs.30,000/- to co-accused Chirag Kinra for this task. The co-accused Aakash Ahuja also offered to co-accused Chirag Kinra to pay an amount of Rs.20000/- to Rs.25000/- to the petitioner also In this manner, the petitioner in connivance and conspiracy with co-accused Aakash Ahuja and Chirag Kinra got opened various accounts of the petitioner by showing him as Proprietor of M/s Jai Ambey Traders in four banks. They got recorded the mobile number given by co-accused Aakash Ahuja in account opening forms submitted by the petitioner. The petitioner and co-accused Chirag Kinra had given the cheque books and ATM cards related to the said bank accounts to co-accused Aakash Ahuja. It was the co-accused Aakash Ahuja who used to effect transactions in said bank accounts. The co-accused Chirag Kinra withdrew Rs.3,00,000/- at the instructions of co-accused Aakash Ahuja by accompanying the petitioner him from Kotak Mahindra Bank Rohtak. They also withdrew Rs.4,00,000/- from HDFC Bank Rohtak. Said payments were handed over by them to the co-accused Aakash Ahuja. In return, co-accused Aakash Ahuja paid Rs.45000/- to the co-accused Chirag Kinra out of which co-accused Chirag Kinra retained Rs.25000/- and remaining Rs.20,000/- was paid by him to the petitioner. The disclosure statements of the petitioner and co-accused Chirag Kinra are annexed as R-1 and R-2 herewith.”

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 18.02.2025, the petitioner's total custody in this FIR is 01 year, 02 months & 18 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

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10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

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. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.02.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.