

313-CRM-M-64313-2024

2025:PHHC:008802



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-64313-2024
Date of decision: 21.01.2025

Anand BabalPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vishal Yadav, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana

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SANJIV BERRY, J. (ORAL)

1. Status report dated 20.01.2025, filed in the form of affidavit of Deputy Superintendent of Police, Women District Rewari, on behalf of State-respondent, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner
2. Instant petition has been filed under Section 483 of the BNSS for grant of regular bail to the petitioner in case FIR. Details of the FIR are as under: -

FIR No.	Dated	Section	Police Station
233	23.07.2024	318(4) of the BNS	Kasola, District Rewari

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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 without there being any specific *overt act* attributed to him. He contends that as per the version of the complainant, he had deposited the amount totaling of Rs. 1,29,120/- in different accounts and only Rs. 1,000/- has been deposited in the account of the petitioner and the account has already been freezed by the police. He contends that the petitioner is in custody since 28.11.2024 and after completion of investigation challan has already been presented in the Court. Hence, prays for grant of anticipatory bail to the petitioner.

4. On the other hand, learned State counsel, referring to the status report (*supra*) has submitted that the petitioner has duped the complainant through HK Pay Apps and as such does not deserve concession of bail. However, he has not disputed the fact that challan has already been presented in the Trial Court and the amount of Rs. 1,000/- was found deposited in the account of the petitioner.

5. After considering the rival contentions and perusing the record, it is observed that instant FIR was registered on the complaint moved by the complainant stating that when he got registered his mobile phone on a particular link and after completing 2-3 tasks given in the instructions, he was given some amount as bonus sent on his *UPI ID* and on further carrying out the tasks, he was asked to send the amount through *UPI ID* and told that once the task is completed, he can

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withdraw the amount from his account. Feeling cheated, the complainant got registered the instant complaint.

6. A perusal of record would reveal that there is no specific allegation against the present petitioner. He has been linked with the present case only on account of Rs. 1,000/- being deposited in his bank account out of Rs. 1,29,120/-. It is mentioned in the status report (*supra*) itself that the remaining amounts were deposited in different accounts not belonging to the petitioner. Admittedly, after completion of investigation, challan has already been presented in the Court and criminal liability, if any, of the petitioner can only be ascertained after the conclusion of trial which may take sufficient long time and in these circumstances, as observed, no purpose would be served in keeping the petitioner in custody any longer to face the incarceration till the conclusion of trial.

7. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

8. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court

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qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

10. Petition stands allowed.

21.01.2025
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(SANJIV BERRY)
JUDGE

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