IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:066866

(243) **CRM-M-87-2025**
Date of Decision: 19.05.2025

Wazid --Petitioner

Versus

State of Union Territory, Chandigarh --Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Atul Kaushik, Advocate for
Mr. Devinder Kumar, Advocate for petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh with
Ms. Diksha Sharma, APP, U.T., Chandigarh
assisted by SI Jaskirandeep Kaur.

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MANJARI NEHRU KAUL.J (Oral)

1. The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.101, dated 06.10.2023, under Sections 384, 419, 420, 467, 468, 471, 509, 120-B IPC, registered at Police Station, Cyber Crime, Sector 17, Chandigarh.

2. Learned counsel for the petitioner submits that petitioner has been in custody since 01.03.2024. It has been contended that the perusal of the FIR annexed as Annexure P-1 clearly reveals that the petitioner was neither named therein nor is it a case of the prosecution that the alleged messages including obscene messages had been sent from the mobile phone of the petitioner. Counsel submits that the petitioner came to be nominated as an accused following a disclosure statement allegedly suffered by the prime accused Avdhesh Kumar, who claimed that the petitioner was also one of the members of the gang which had been committing online frauds. Counsel submits that other than the disclosure statement suffered by co-

accused Avdhesh Kumar, no other incriminating evidence has been collected against the petitioner and furthermore the disclosure statement has weak evidentiary value.

3. On a pointed query, counsel has submitted that petitioner has no criminal antecedents and as on date only 3 prosecution witnesses out of the 12 cited have been partly examined while 2 prosecution witnesses have been given up.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the submissions made by learned counsel for the petitioner that the name of the petitioner surfaced in the instant FIR during the interrogation of prime accused Avdhesh Kumar. It has also not been disputed that the petitioner has no previous criminal antecedents. However, learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR, which stand reproduced herein under:-

> *"Statement of Navita Malwal W/O Laxman Singh R/O 359 Village Kaimbwala, UT Chd., DOB-13/6/88 stated that I reside at the above address since 2023. In the first month, an app real money notification came on my phone and I clicked that app which was downloanded and allowed by me thereafter bank details demanded and I filled the same and I received Rs 1800/-after that I came to know that the same is loan app. I tried to return the said amount send by them but the same was not transferred. After 3-4 days I again received same loan application notification in which See money, Hello money, One cash, S cash, Sea Money, D Money (Okay lends), T-Loan (Swift loan), You cash (fast cash, Living loan, loan planet has been received i.e. 8801722-031888, 918695426078, 27660073666, 62896-7410-0244, 8801632-611781, 1(904) 579-0257, 8448727794, 917452011047 and messages has also*

been forwarded to my contact list whereby it has been disclosed that I have taken loan fro various loan applications and I transferred the amount on the UPI ID disclosed by them, and after that they started blackmailing me by disclosing two different loan, They also send nude photos by pasting my face on the said nude photos by issuing threat to pay them money otherwise they will send the photographs on porn sides I transferred the amounts from my account No. 50100027851865 HDFC Bank and Account No 6612181069 of Kotak Mahindra Bank and account No 911010027220063 of Axis Bank in the account given by them through UPI and some amount has been transferred in my account through loan app which they access data of my phone through loan app and By making Nude Pics and sending them to me or to people, I was made to transfer 71 lakhs by blackmailing me and I have received through UPI through their app about 27 Lakhs came to my A/C, and now remaining amount of Rs 43,81,920/- rupees have been cheated from me, which I transferred the said amount by arranging money from my known person. The person who have cheated me to provide loan by making my nudes pics. legal action should be taken against them."

5. In addition, learned State counsel has also not disputed that the entire case against the petitioner hinges on documentary evidence which is also part of the challan which was presented way back on 29.05.2024. It has been further submitted by learned State counsel that all the accused persons including the petitioner duped the complainant of an amount of Rs.44 lakh approximately by way of online fraud.

6. I have heard learned counsel for the parties and examined the material on record.

7. The petitioner has been in custody since 01.03.2024. Out of the total 12 prosecution witnesses cited 2 have been given up while 3 others have been partly examined. The trial is unlikely to conclude in the near

future. The petitioner is also not stated to be involved in any other case of similar nature.

8. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

19.05.2025
lucky

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No