



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-36432-2024

Date of decision: 9th January, 2025

Shahrukh @ Sharuk

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. V.K. Pandey, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 51 dated 03.04.2024 registered under Sections 419, 420, 467, 468, 471 and 120-B of IPC, 1860 at Police Station Cyber Crime, Nuh.

2. As per the allegations, on 03.04.2024, on receipt of a secret information that the petitioner was engaged in the acts of committing cyber fraud by withdrawing money from accounts of different account holders by using their ATM cards on the basis of commission and then transferring that money in the bank accounts of the co-accused, he was apprehended on the same day outside an ATM booth. On conducting his search, one card of HDFC Bank and three ATM cards of Axis Bank were recovered from him. On checking his mobile phone, some suspected chats regarding withdrawal



of money were found in his *whatsapp*. It was revealed that the ATM cards recovered from him were issued against bank accounts in the names of different persons who were not found to be in existence. Investigation has since been completed.

3. The present petition has been filed by the petitioner on the ground and it is argued by his counsel that a false recovery of ATM cards has been planted upon him. He is in custody since 03.04.2024. His custodial interrogation is not required as investigation stands completed. Trial is likely to take time. No useful purpose would be served by detaining him in custody. The subject offences are triable by Magistrate. As such, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by Assistant Advocate General, Haryana, that there are serious allegations against the petitioner as in connivance with the persons indulged in committing cyber crimes by getting money received by committing crimes, deposited in fake accounts and withdrawing the same and receiving commission for such transactions. It is argued that there are chances of petitioner's committing similar offences or absconding, if extended benefit of bail and therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have induced some persons namely Anuj Kumar, Kanta Parsad and others to open their bank accounts through



him by alluring them to provide a job to them. As per the further allegations, he took the ATM cards from the above named persons and used the same for the purpose of committing cyber crime in connivance with the persons who are indulged in such crimes. The subject offences are triable by Magistrate. The petitioner is in custody since 03.04.2024. Trial is likely to take time. No useful purpose would be served by keeping him in custody. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th January, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*

2. *Whether reportable* : *Yes / No*