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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57445-2024
Date of Decision:27.03.2025

SALMAN ALI

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.09 dated 18.01.2024, registered under Section 420 IPC (Sections 120-B of IPC & Sections 66-C & 66-D of IT Act added later on) Police Station Cybercrime Central Faridabad.

2. The FIR in the present case was registered on the basis of the statement made by Prem Chand Gupta and the same has been reproduced below:-

“To, the SHO, Police Station Cyber Central, Faridabad. Sir, my request is that my name is Premchand Gupta S/o Shanti Prakash resident of House No.-170, Sector 15A, Faridabad. I and my wife Manju Gupta live alone. We received a WhatsApp call on 12 Dec.



2023 that your son who is in USA has been caught by the USA police and send money to the account I am telling you and he said not to talk to anyone about this. Your son's phone, passport, car have all been taken by the police so you cannot talk to him. He made us talk to our son, my son was crying while talking and was saying save me and give me money. Due to this we got scared and we did not talk to anyone and did not even talk to the police. He called several times from 12 Dec. 2023 to 14 Dec. 2023 and asked for money in different accounts. His calls used to come from different numbers. I and my wife Manju Gupta have transferred Rs. 46,00,000/- from our 4 accounts in 2 banks in the last 3 days, but an unknown person has cheated us and taken away Rs. 46,00,000/-. Legal action should be taken against him. Xxx Prem Chand Gupta (Complainant)”

3. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and had no nexus with the alleged offence. Even during the course of investigation, the police is stated to have recorded a statement of Rashmi Teji, in police custody and on the basis of the said statement, the petitioner has also been nominated as accused in the present case. He further contends that except the disclosure statement suffered by the co-accused, there is no other legally admissible evidence against the petitioner and he was wrongly arrested by the police on 29.06.2024. He further submits that in the present case, it has been alleged that the petitioner had provided his account to the main accused and was given some amount for providing the account to the main accused.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that he is a habitual offender and had provided his own account for the purpose of



fraud and he does not deserve the concession of bail by this Court. He submits that 03 more cases were ordered to be registered against the petitioner.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the petitioner was ordered to be arrested on 29.06.2024 and after completion of investigation, the challan has been ordered to be presented against him. Even the limited role assigned to the petitioner by the prosecution is that he had provided his account to the main accused in the present case and was not involved in the crime in any other manner. Even no witness has been recorded so far and the conclusion of the trial may take quite a long time. Moreover, there is no evidence to suggest that the petitioner is in a position to influence the witnesses of the prosecution in any manner.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.



(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

27.03.2025
vipin

(N.S. SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No