



CRM-M-22238-2025

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298 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22238-2025
Date of decision: 12.05.2025

ALTAF

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saksham Khunger, Advocate for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
53	06.04.2024	Cyber Crime, Nuh, District Nuh (Haryana)	419/420/467/468/471/ 411 of IPC, 1860

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 23 of the bail petition and reply, 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:

"xxx xxx xxx xxx

3. That the brief facts of the present case are that on 06.04.2024, a tehrir of HC Dharmender, CS and PO Staff, Nuh was received in P.S.Cyber Crime, Nuh. It was mentioned in the tehrir by HC Dharmender that on 06.04.2024, he along with other officials were present at Jamalgarh Punhana Road for patrolling duty. The secret informer informed him that a person namely Altaf, who is working as a security guard at Hitachi ATM, is involved in withdrawal of money (received in the accounts used in cyber crimes) from the ATM through the fake ATM Cards of the said accounts, on commission basis and today also (i.e. on 06.04.2024) he is withdrawing the money from the ATM, if raid is conducted, he can be apprehended along with withdrawn amount and the fake ATM cards. The police team reached at the place disclosed by the secret informer and there, the secret informer pointed towards a boy and told that he is Altaf. After sending the secret informer, the said person was apprehended. He disclosed his name as Altaf. On



conducting his search, one Narzo Realme RMX 3242 mobile phone having sim no. XXX8861352 was found. On checking the whats app account in the said mobile phone, the whats app account found with profile name "DK Boos". The said account was created with sim no. XXX5343798. Various suspicious chats / messages and whats app recordings pertaining to withdrawal of money were found. One application namely "Apna ATM" was found in which the ID of Hitachi ATM machine was logged in. On checking the Facebook account in the mobile phone, the profile name "ChAltaf Khan" was found logged in. The same was containing the photo of Altaf. Further, as many as 16 ATM Cards were found in the left pocket of his lower. On checking the cabin built behind the ATM machine, the cash amount of Rs. 3,28,000/- was found. Further, one ATM SWAP machine having MODAL-A910 was found. Altaf could not give any satisfactory reply regarding the above mentioned articles and cash. The same were taken into police possession. Thereupon, the above mentioned FIR No. 53 dated 06.04.2024 u/s 419, 420, 467, 468, 471 IPC was registered at P.S. Cyber Crime, Nuh.

4. That the investigation of the present FIR was conducted by ASI Sanjay Kumar, P.S. Cyber Crime, Nuh. During the course of investigation, the place of occurrence was inspected. The petitioner Altaf was arrested on 06.04.2024. His disclosure statement was recorded. He was produced in the Ld. Court on 07.04.2024 and he was sent to judicial custody. The disclosure statement of the petitioner is attached herewith as Annexure R-1."

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he is in custody for more than one year. The petitioner's counsel prays for bail by imposing any stringent conditions and submits that in case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

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:

"xxx xxx xxx xxx

i. That the role of the petitioner Altaf in the present case is that he used to obtain the fake ATM Cards, OTP and fake mobile numbers from the cyber fraudsters. As per the instructions of the cyber fraudsters through phone calls, whats app chats and whats app voice messages, the petitioner used to withdraw money from the ATM machine through Swap machine. The petitioner used to keep 5% of the withdrawn amount as commission and used to give the remaining



money to the cyber fraudsters. The petitioner Altaf and co-accused Muiya used to divide the said amount in equal shares. On 06.04.2024, the petitioner was apprehended by the police along with cash of Rs. 3,28,000/-, ATM SWAP machine, Narzo Realme RMX 3242 mobile phone and 16 fake ATM Cards. The relevant whats app chats of the petitioner are attached herewith as Annexure R-3. ii. That the evidence against the petitioner is that he has been named in the present FIR, as he was apprehended by the police from the spot along with cash of Rs. 3,28,000/-, ATM SWAP machine, Narzo Realme RMX 3242 mobile phone and 16 fake ATM Cards."

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 paragraph 15 of the bail petition, the petitioner has been in custody since 06.04.2024. Per the custody certificate dated 05.05.2025, the petitioner's total custody in this FIR is 01 year and 29 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 for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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.

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. This order is subject to the petitioner's complying with the following terms.

12. 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.

13. 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.

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.

12.05.2025
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(ANOOP CHITKARA)
JUDGE

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