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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23097-2017

Date of Decision:- 03.10.2017

Ankur Kumar and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. R.S.Rai, Senior Advocate,
with Mr. Swarn Tiwana, Advocate,
for the petitioners.

Mr. A.S.Sandhu, Addl.AG, Punjab
for the respondent State.

Dr. Anmol Rattan Sidhu, Senior Advocate,
with Mr. Pratham Sethi, Advocate
for the complainant.

SHEKHER DHAWAN, J.

Present petition under Section 438 of Code of Criminal Procedure [Cr.P.C.] is for grant of anticipatory bail to the petitioners in case, bearing FIR No. 130 dated 16.06.2017 (Annexure P/) registered under Sections 420 and 120-B IPC and Sections 66(D) and 74 of Information Technology Act, 2000, at Police Station - Gobindgarh Mandi, District Fatehgarh Sahib.

2. Learned senior counsel for the petitioners contended that the petitioners have not done anything which is illegal and wrong and they have been implicated in this case because of personal grudge. Mere allegation against the petitioners is that they were circulating misleading rates of steel through their mobile phone messages and the same does not come within the ambit of 'cheating'. More so, the petitioners have

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already joined the investigation and there is no purpose of further custodial investigation of the petitioners in any way.

3. Learned State counsel, on instructions from HC Gurbax Singh, contended that the petitioners have joined the investigation in pursuance of order dated July 04, 2017 passed by this Court and they are no more required for further investigation.

4. Learned senior counsel representing the complainant, however, contended that the petitioners are involved in the alleged offence because by fraudulent circulation of wrong/fake/misleading information relating to steel rates through mobile phone messages, they were cheating the public whereas the steel rates are fixed by Steel Authority of India Limited. The petitioners have formed a group and indulged in wagering of steel prices by deliberately creating fluctuation of prices in the market and as such, they have caused wrongful loss to the traders who are members of the Association. Further, they are neither sellers nor purchasers.

5. Having considered the submissions made by learned counsel for the parties and the fact that the petitiones have already joined the investigation and are no more required for further investigation in this case, their custodial investigation in the present set of facts would not be required, the order dated July 04, 2017 passed by this Court is made absolute.

6. The present petition stands allowed in the above terms.

October 03, 2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned
Reportable

Yes
No