

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 2963 of 2018 (O&M)

Date of decision : 25.5.2018

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Asif

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sunil Dhanda, Advocate for
Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner-Asif, being an accused in FIR 93 dated 9.2.2017 for offences under Sections 420, 419, 467, 468, 471, 120-B IPC and Sections 66C, 66D of the IT Act, registered at Police Station Central District Faridabad.

Briefly stated, facts of the case, as per the prosecution story are that a complaint was received in Cyber Cell, Faridabad, that account of Director Navdeep Chawla, had been hacked by some hackers making online transfer from his account.

After registration of FIR, when the matter was investigated, Bakhtawar Ahmad was arrested by the Police and he disclosed that he had introduced Asif – present petitioner, as Shamsul

Hassan and thereafter got online transfer of Rs.4.10 lacs from the account of Navdeep Chawla to the account of Shamsul Hassan. Apprehending his arrest in this case, the petitioner has approached the Court of Sessions. His petition was marked to Additional Sessions Judge, Faridabad, who vide order dated 22.12.2017 had dismissed the petition, as such the petitioner has approached this Court for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Pre-arrest bail is a discretionary relief which is to be granted in exceptional circumstances and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

The allegations against the petitioner are very serious and grave of being active participant in the fraud, in as much as he had got a bank account opened in the name of Shamsul Hassan posing himself as such, facilitating the online transfer of Rs.4.10 lacs from the account of the complainant Navdeep Chawla to the account of Shamsul Hassan. His custodial interrogation is necessary to know the complete story, the other persons involved in the scam, from where and how many other persons were cheated in that way. In case the custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for. In the case of ***State represented by the C.B.I.***

Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268, Hon'ble Apex

Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful information.

Finding no merit in the petition, the same stands dismissed.

25.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No