

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33272-2019

Date of decision: September 09, 2019

Anil Doot

....Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Nonish Kumar, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Pankaj Bali, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.986 dated 23.11.2017 registered under Sections 406, 420, 34 (deleted) and Section 120-B IPC (added later on) at Police Station Civil Lines, District Karnal.

Counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of one Vivek Chaudhary, it is stated that he is running an office in Karnal and accused, namely, Rohit Chhabra, Asha Chhabra and Ramesh Malhotra came to his office with a known person Dr. Deepak Mehta. They were introduced by Dr. Deepak Malhotra. The accused persons told him that they are going to start a new business, i.e. Tryo

Coin Company and he could get bit coins from the Company. It was stated that on receiving the coins, the money equivalent to the coins, will be doubled after a period of 55 to 70 days. Rohit Chhabra informed him to transfer some amount in the SBI account of his wife. Upon which, the complainant transferred Rs.2.50 lacs. Later on, another investment was made. It was stated that, later on, the accused persons have cheated him. The petitioner Anil Doot by taking 'user name' and 'password' of his account where the petitioner received the commission has transferred the same to his brother Sunil Kumar in a deceitful manner.

Counsel for the petitioner further submits that as per the allegations, the complainant has invested Rs.4.50 lacs by opening an account in a forged Company in the name and style of Tryo Coin. It is stated to be U.K. based company. The counsel further submits that the petitioner was not directly named in the FIR and there is nothing on record to show that he has transferred the commission of 330 dollars in the name of Sunil Kumar.

In reply, the learned State counsel has stated that despite availing the interim relief, the petitioner has not joined the investigation and is avoiding as some other complaints are also pending against him. Learned State counsel has further stated that the compromise has been effected by the complainant only with co-accused and Mohit Chhabra and his wife Asha Chhabra, who have paid the amount which they received, whereas there is no compromise with the present petitioner as by taking the complainant in confidence he has obtained his 'password' and 'ID' and has transferred the amount of the commission in the name of one Sunil Kumar and has played a

fraud with the complainant. He has further argued that petitioner Anil Doot is named in the FIR, it has come in the investigation that by misusing the 'ID' and 'password', he has transferred the amount in the name of one Sunil Kumar, who is brother of the complainant.

After hearing counsel for the parties, I find no ground to grant the concession of anticipatory bail to the petitioner.

The concession of anticipatory bail was granted to the co-accused Rohit Chhabra and his wife Asha Chhabra as they have compromised with the complainant and refunded the amount. However as per the police version, it has come in investigation that the petitioner by obtaining the 'password' and 'ID' of the account of the son of the complainant has transferred the amount in the name of his brother Sunil Kumar by playing a fraud with the complainant and there is no compromise with him and has never returned the amount. Therefore, considering the fact that by breaching the trust of the complainant, the petitioner has transferred lacs of rupees in the account of his brother, the custodial interrogation of the petitioner is required.

Accordingly, this petition stands dismissed.

September 09, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No