IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.33547 of 2019 (O&M)
Date of Decision: 26.08.2019

Sunil Denis Stephen

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Rakesh Gupta, Advocate for
Mr. Arjun Atri, Advocate for the petitioner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana
for the respondent/State.

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MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.269 dated 06.07.2019, under Sections 406 and 420 of the Indian Penal Code, 1860 *(for short 'IPC'),* registered at Police Station Ambala City, District Ambala.

Brief facts of the case are that complainant-Shiv Prasad made a complaint to the police that he had a talk on phone with one Jagjit Singh, who assured the complainant to send him to Canada. Said Jagjit Singh demanded ₹ 7 Lakh from him. On 26.07.2018, complainant met Jagjit Singh in his Office Goodwill Global Consultancy, 81/11, Court Road, near

Khalsa High School Chowk, Ambala City and gave ₹ 32,500/-, original Passport, Aadhaar Card, PAN Card etc. to him. Thereafter, complainant deposited ₹ 25,000/- on 13.09.2018; ₹ 3 Lakh on 19.09.2018; ₹ 1 Lakh on 11.10.2018; ₹ 1.5 Lakh on 31.10.2018 and ₹ 70,000/- on 12.11.2018 in his Savings Bank Account No.02402193000678, Oriental Bank of Commerce, Jamalpur Branch, Ludhiana. Further alleged that he lastly talked to said Jagjit Singh on 19.12.2018, but after that, he switched off his mobile phone. Complainant, in total, paid ₹ 6,77,500/- to said Jagjit Singh, which has been misappropriated. Also alleged that on 28.01.2019, he went to the office of Jagjit Singh, but the same was found locked.

During investigation, said Jagjit Singh @ Ajay has been arrested on 08.08.2019, who made a disclosure statement that in the month of April/May, 2018, he worked as a Painter in the house of co-accused Sunil Denis Stephen @ Fanta @ Sonu @ Rajiv (petitioner), who asked him to get open a bank account for him (petitioner) and in lieu thereof, he was paid ₹ 2500/-. Thereafter, a bank account was opened in the name of Jagjit Singh with the abovesaid branch and petitioner gave his own mobile No.75289-85177. The ATM and Passbook of the said account were also taken from Jagjit Singh by the petitioner and he has committed a criminal breach of trust and cheated the complainant for an amount of ₹ 6,77,500/-.

Contends that petitioner has been falsely implicated in the present case as he has not received any amount from the complainant. Also contends that petitioner is neither named in the FIR; nor anything is to be recovered from him.

On the other hand, learned State Counsel, on instructions from the police official present in the Court, opposed the bail application and prayed for dismissal of the same.

Heard both sides and perused the paper-book.

Record reveals that petitioner has manipulated the entire transaction in the name of co-accused Jagjit Singh, who is stated to be an illiterate person and earns his livelihood by doing some labour work. Before Investigating Officer, Jagjit Singh made a disclosure that petitioner misappropriated the aforesaid amount of ₹ 6,77,500/- by using his bank account, which was opened on the asking of the petitioner and in lieu thereof, he paid ₹ 2500/-.

During investigation, it has been revealed that petitioner obtained the mobile connection No.75289-85177 in the name of one Daniel, who has also furnished an affidavit dated 08.08.2019 to the effect that petitioner obtained a SIM Card in his name of the aforesaid number and thereafter, duped many persons on the pretext of sending them abroad by using the said mobile number.

Keeping in view the facts and circumstances of the case, discussed hereinabove, in the opinion of this Court, petitioner is the mastermind of commission of the crime, which is grave in nature and as such, his custodial interrogation is required. Prosecution has gathered sufficient material that petitioner has not only cheated the complainant, but defrauded one Daniel also while obtaining mobile phone connection in his name as well as misused the bank account No.02402193000678, opened in the name of co-accused. Consequently, no case is made out for grant of prearrest bail to the petitioner and as such, this Court is left with no option except to dismiss the present petition.

Ordered accordingly.

The above observations may not be construed as an expression of opinion on the merits of the case.

August 26, 2019 **(MAHABIR SINGH SINDHU)**
Gagan **JUDGE**

Whether speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*