

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-4507 of 2021 (O&M)****DATE OF DECISION: 20.04.2021****Varish****...Petitioner****Versus****State of Haryana****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA****Present:- Mr. Jamshed Ahmed, Advocate
For the petitioner.****Mr. Tapan Kumar, DAG Haryana.***********ARUN MONGA, J.(ORAL)**

1. The petitioner is seeking regular bail in FIR No. 58 dated 14.02.2020, registered under Sections 406, 419, 420, 467, 468, 471, 120-B, 201 and 171 of IPC, at Police Station Hodal, District Palwal.
2. Per FIR, one Rinku purchased a car through a website and remitted online sale consideration to its owner, namely, Ashish Aggarwal. However, instead of delivering the vehicle, the owner yet again demanded money towards sale consideration.
3. During enquiry of the complaint, what unearthed was that forged documents were being used on the website to lure the innocent buyers. They were induced to make payments on the pretext of selling the vehicles. One Abdul Karim was arrested by the police, on whose disclosure statement, involvement of the petitioner was revealed. He was arrested on 18.07.2020.
4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the case merely on the custodial statement made by co-accused Abdul Karim. He submits that petitioner is running a Common

Service Centre(CSC) as per scheme floated by Government for rural residents to enable them to use online internet services offered on the website.

5. Learned counsel further submits that petitioner has been arrested on the suspicion of being involved in the offence with prime accused Abdul Karim, who had come to the CSC kiosk of the petitioner to carry out online alleged financial transactions through OLX website. He further submits that even otherwise, the allegations in the FIR do not make out any case against the petitioner.

6. Learned State counsel, on the other hand, opposes the bail plea. According to him, the petitioner is a habitual offender involved in two other cases of similar nature.

7. A perusal of the report filed by the prosecution in response to the bail petition would reveal, that though it has been admitted that petitioner runs a CSC, but it has been found during investigation that he, in conspiracy with other co-accused, had helped in withdrawing money from different account numbers using his CSC facility. Pursuant to the disclosure statement made by the petitioner, he himself not only helped in recovery Rs.15,000/-, but also 6 Paytm cards, 3 mobile SIMS and 2 POS machines.

8. Trial is yet to commence and until the testimony of material witness is recorded, it would not be in the fitness of things to enlarge the petitioner on bail at this stage. Possibility of influencing the witnesses cannot be ruled out. No ground is made out to grant bail to the petitioner.

9. Dismissed.

(ARUN MONGA)
JUDGE

20.04.2021
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No