IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-12520-2021 (O&M)

Date of Decision: 27.08.2021

Nisar Gafoor Sayyad ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sahil Gambhir, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by SI Ashwani.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0520 dated 27.07.2019 at Police Station Rohtak City, under Sections 406/420 IPC.

2. The FIR was lodged at the instance of Manjit Singh, wherein it is alleged that on 15.06.2019 he had transferred an amount of Rs.5000/- through PhonePe to his brother's account. It is alleged that although the said amount was debited from his account, but the same was not credited to the account of his brother. When the complainant made a call to the customer care centre on 18002089470 after searching the number from internet, a lady answered that her senior will call the complainant on the next day.

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On the next day, the complainant received a call on his mobile No.9813812447 from another mobile No.6291965991 and the caller in order to resolve the problem of the complainant asked him about his ATM card number and CVV number and thus, transferred an amount of Rs.21,000/- from his HDFC account to the account of one Dinesh Chandra Bhatt. Similarly, while asking for his ATM card number and CVV number, amounts of Rs.4999/- and Rs.9999/- were also transferred to the account of Dinesh Chander Kotak's account and an amount of Rs.5000/- was also debited on account of some purchase made by the accused. Later, the complainant received a call from the Mumbai Head Office that his card was being misused.

3. Learned counsel for the petitioner has submitted that the petitioner cannot be connected with the alleged withdrawls from the complainant's bank account in any manner and that he has falsely been implicated.

4. On the other hand, learned State counsel has submitted that during the course of investigation, it surfaced that apart from the transactions mentioned in the FIR, an amount of Rs.50,000/- had been transferred to Account No.27410100015246 of the petitioner, which was later on withdrawn by the petitioner. Learned State counsel has further submitted that in order to unearth the entire scam and since there is possibility of involvement of some other accused, the custodial interrogation of the petitioner is required and as such, the petition deserves dismissal.

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5. I have considered rival submissions addressed before this Court.

6. Having regard to the nature of the offence and the manner in which the offence is stated to have been committed, the custodial interrogation of the petitioner would certainly be required to know about the modus operandi of the accused and also to find out as to whether there is some other accused also involved in the commission of offence in question. The petition is sans merit and is hereby dismissed.

27.08.2021 **(GURVINDER SINGH GILL)**
Vimal **JUDGE**

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

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