

CRM-M-18971-2021 (O&M)
Date of decision: 21.09.2021

Arshad

.....Petitioner

versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Arvind Kashyap, Advocate
for the petitioner.Mr. Yashwant Singh Rathore, Addl.P.P.,
for the respondent-U.T. Chandigarh.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

CRM-17782-2021

In view of the averments made in the application and in the interest of justice, the same is allowed. Document annexed therewith as Annexure P-6 is taken on record subject to all just exceptions.

CM stands disposed off.

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The petitioner-Arshad, who has come up in this 3rd regular bail application under Section 439 of the Code of Criminal Procedure

in a case bearing FIR No.306 dated 28.09.2019 under Sections 419, 420 and 120-B of the Indian Penal Code registered at Police Station Sector 17, Chandigarh (earlier two having been declined by this Court vide order dated 05.06.2020 and 24.09.2020).

The allegations in brief are that the complainant-Sunil Rajta, who was holder of a credit card issued by the State Bank of India received a telephonic call by a person impersonating to be an official of the Bank. On the plea of upgrading the credit card, sought from the complainant certain particulars which the complainant unaware of furnished, leading to withdrawal of Rs.4 lakh from his account by the impersonator.

During the course of investigation, it transpired that the petitioner along with his co-accused, numbering 03, including a lady, Pooja Sharma, were habitually duping people in this manner leading to arrest of petitioner-Arshad, Vinay Kumar, however, the third accused-Pooja Sharma is evading her arrest.

Heard counsel for the parties and perused the records.

This Court, in its detailed order dated 20.09.2020, had dismissed the earlier regular bail application of the petitioner. As has been highlighted forcefully by the learned State counsel, principal accused-Pooja Sharma, is on the run and if the petitioner is allowed bail, he too, might abscond as he is facing similar cases in other States.

Though, Mr. Arvind Kashyap, Advocate has sought to

come to the aid of the petitioner in his submissions highlighting that the petitioner is behind the bars for more than 01 year and 10 months and that co-accused-Vinay Kumar, has been allowed bail.

Going through the submissions, the arrest of co-accused-Pooja Sharma, is very much essential to unearth the entire nexus and the gamut of this nexus and who is evading her arrest and making frantic efforts for bail which she failed to secure. The apprehension of the State that being a Pan Indian Gang of cheats and the fact that if allowed bail, the petitioner might abscond is not unfounded. Mere incarceration is no ground to allow him bail. This Court does not feel incline to allow the bail and the same stands dismissed.

21.09.2021
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No