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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-36714-2021
Date of Decision: 06.09.2021

Chander Pal

Petitioner

Versus

U.T., Chandigarh

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vinay Yadav, Advocate for the petitioner.

Mr. Rajeev Anand, Addl. P.P., U.T., Chandigarh.

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AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 102, dated 4th August, 2021, under Sections 420 and 120-B IPC, registered at Police Station West Sector 11, Chandigarh.

[3] The complainant was made by Chandrika Parshad alleging that Rs. 27,000/- were deducted on 29th June, 2018 from his account maintained with Oriental Bank of Commerce, Sector 17, Chandigarh Branch. On enquiry from the bank, he was given the address of one Seema Devi who had taken out the amount from the account of the complainant. Inquiry was got conducted on the complaint and FIR was registered.

[4] During investigation, it revealed that lost mobile of complainant was used by petitioner for making the transactions. The amount was transferred in the account of friend of the petitioner namely Seema Devi, then the petitioner used ATM and mobile of Seema Devi to withdraw the amount.

[5] Learned counsel for the petitioner contends that petitioner is not named in the FIR. As per case of the prosecution, recovery is to be made from Seema Devi and petitioner has no role. He further submits that ingredients of Section 420 IPC are not fulfilled in the present case.

[6] Learned counsel appearing for U.T., Chandigarh opposes the grant of anticipatory bail. He submits that mobile phone used by the petitioner for making the banking transactions is to be recovered. The petitioner is not involved in only one incident of Rs. 27,000/- but an amount of Rs. 3,50,000/- received from his General Provident Fund for getting treatment was withdrawn from the account of the complainant.

[7] It is a case of online fraud. It is a well knitted web cast by the accused. The transactions are through electronic medium. In such cases, it is not possible that every accused is named in the FIR. An enquiry was conducted before registering the FIR. There is sufficient material with the investigating agency against the petitioner. The matter needs deeper probe. In case petitioner is clothed with the anticipatory bail, investigation agency will not be able to unearth the

modus operandi and to make further investigation.

[8] No case is made out for grant of anticipatory bail, the petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

6th September, 2021
pankaj baweja

1. Whether speaking/ reasoned : Yes
2. Whether reportable : Yes