

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

CRM-M No.52440 of 2021

Date of Decision : 22.12.2021

Arun Singh

....Petitioner

Versus

State of Haryana

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jay Prakash Jangu, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.206 dated 04.06.2020 under Sections 406,420 of the IPC registered at Police Station City Rewari, District Rewari.

Learned counsel for the petitioner argues that the petitioner has wrongly been roped in the present case and the accounts in which the amount alleged to have been defrauded from the complainant was deposited does not belong to the petitioner and the same belongs to one Rohit Kumar @ Monty and Shashi Kant. Learned counsel for the petitioner submits that the petitioner is ready to join the investigation and cooperate and, therefore, he may kindly be extended the concession of anticipatory bail.

Learned State counsel submits that infact, the petitioner is the master mind and has duped the complainant by getting a sum of ₹25,000/-

transferred from the complainant's account. Learned counsel submits that during the investigation conducted so far, it has come on record, in the form of statement of Rohit Kumar @ Monty and Shashi Kant that it was the petitioner who owed them money and had got the same transferred to their accounts in fraudulent manner and that too without their knowledge. Learned counsel for the State further submits that as of now, modus operandi adopted by the petitioner is unknown and the amount is yet to be recovered and also the fact that as how many other innocent people have been cheated in a similar manner.

I have heard the learned counsel for the parties and have gone through the record of the case with their able assistance.

The prayer of the petitioner that he is ready to join the investigation and cooperate cannot be accepted due to the fact that on the last date of hearing, the petitioner had requested for an adjournment so as to return the money whereas today learned counsel for the petitioner submits that the petitioner is ready to face the trial. Learned counsel for the petitioner has not been able to rebut the statements of Rohit Kumar @ Monty and Shashi Kant which has put burden of the alleged crime upon the petitioner. These days, innocent people are being defrauded by getting their hard earned money transferred from one account to other on one pretext or the other. The modus operandi of the act as well as the money is yet to be recovered from the petitioner.

Further, this is not a case, where allowing the petitioner to join into investigation and cooperate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in **State represented by the C.B.I. Vs. Anil Sharma**, 1997(4) RCR (Criminal)

268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail.

Keeping in view the facts and circumstances of the case, no ground is made out to grant the petitioner the concession of anticipatory bail.

Dismissed.

December 22, 2021
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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