

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9392-2021

Date of decision : 21.03.2022

Huzefa Rangwala

... Petitioner

Versus

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sanjiv Gupta, Advocate
for the petitioner.

Mr.Rajeev Anand, APP for U.T. Chandigarh.

Mr.Prateek Sodhi, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.352 dated 01.10.2018 registered under Sections 420, 120-B IPC and Section 66-C/66-D of the Information Technology Act, 2000 at Police Station Sector 36, Chandigarh.

Learned counsel for the petitioner has submitted that in the present case as per the FIR, it was alleged by the complainant that an amount of Rs.12,10,000/- had been invested in the business by the said complainant on the asking of one Gaurav Mittal. It has further been argued that the petitioner was not arrayed as an accused in the FIR and there were no allegations to the effect that there was any privity of contract between the complainant and the petitioner. It has also been argued that the said Gaurav

order dated 30.01.2019 passed by a coordinate Bench of this court in CRM-M-48499-2018. It has been submitted that a coordinate Bench of this Court on 16.03.2021 has granted interim protection to the present petitioner and the petitioner, in pursuance of the said order, has joined investigation.

Learned State counsel, on instructions from SI Krishan Dev Singh, has submitted that the petitioner has joined investigation and is not required for further investigation.

Learned counsel for the complainant has opposed the present petition for anticipatory bail and has submitted that in fact an amount of Rs.12,10,000/- had been invested by the complainant in the said business on the promise that he would get good returns with respect to the same. It has been argued that however, after one month, the complainant had been told that he had to enroll more people in the said business and only then he would get money.

This Court has heard learned counsel for the parties and has perused the paper book.

In the present case, as per the FIR, the complainant has stated that Rs.12,10,000/- was invested by him in the said business on the asking of Gaurav Mittal. The said Gaurav Mittal has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 30.01.2019 passed in CRM-M-48499-2018. The petitioner is not named in the FIR, nor there is any privity of contract between the petitioner and the complainant. The petitioner has joined the investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances and also the fact that the petitioner has joined the investigation and is not

required for further investigation, the present petition is allowed and the interim order dated 16.03.2021 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

March 21, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No