

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-9518-2022

Date of Decision : **March 07, 2022**

NASIR HUSSAIN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Farukh Abdullah, Advocate for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.185 dated 29.7.2021 under Sections 406, 420 IPC added later on under Sections 467, 468, 471, 120B IPC and Sections 66-C and 66-D IT Act, Police Station Lakhna Majra, Rohtak.

It has been submitted by the learned counsel for the petitioner that in the present case the only allegation against the petitioner is that he had defrauded the complainant for an amount of Rs.1 lac and infact the amount of Rs.1 lac was not sent to the account of the petitioner and, therefore, the petitioner has been falsely implicated in the present case. He submitted that although there are allegations that the petitioner had got Rs.3 Crores from other persons but there is no evidence to show that the petitioner had received this much amount from any other persons in his own account and furthermore no other person has made any complaint with regard to the said amount as of date and, therefore, he has prayed for the grant of anticipatory bail.

On the other hand, Mr. Naveen Singh Panwar, DAG, Haryana has stated that he has received an advance copy of the petition and has sought instructions in this regard. He submitted that the modus operandi adopted by the petitioner in the present case was that he had a fuel card which he got prepared on the basis of fake and fabricated documents and on the basis of the fuel card, the amount was received in the fuel card by making a false representation to the customers and thereafter the money was transferred to the link provided by him. He further submitted that in the present case also the petitioner had stated to the complainant that an amount of Rs.20,000/- will be deposited in the name of the father of the complainant and had sent a link and thereafter on the opening of the said link, an amount of Rs.1 lacs was transferred in that fuel card. He submitted that in that fuel card total amount of Rs.3,29,53,577/- has been received from various other transactions and on investigation it was found that the said fuel card was sent to the address of the petitioner and, therefore, the petitioner is directly involved in the present case and it is not an isolated case of the present complainant but it is a case pertaining to a high magnitude wherein online frauds are being committed. He has vehemently opposed the grant of anticipatory bail to the petitioner and has stated that for the purpose of further elicitation of truth, the custodial investigation of the petitioner is necessary.

I have heard the learned counsels for the parties.

Although the subject matter of the present complaint pertains only to Rs.1 lac which was alleged by the complainant having been

cheated by the petitioner on the basis of providing a link and thereafter making an online fraud but the argument of learned State counsel that the magnitude of the present case is very high and it involves Rs.3,29,53,577/- pertaining to many other transactions and the fuel card in which Rs.1 lac was deposited and the remaining amount of Rs.3,29,53,577/- was dispatched to the address of the petitioner and, therefore, the fuel card belongs to the petitioner would carry weight. The magnitude and the gravity of the present case would disentitle the petitioner for the grant of concession of anticipatory bail. The argument raised by the learned State counsel that for the purpose of elicitation of truth in such like cases, the custodial investigation is required is just and reasonable.

Therefore, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

March 07, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No