

CRM-M-10476 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10476 of 2022

Decided on: 11th March, 2022

Mohit Dargan

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. I. S. Pabla, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

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

This petition is filed for grant of anticipatory bail in FIR No. 8 dated 20.1.2022, under Sections 75 and 66D of Information Technology Act, 2000 and Sections 420 and 120-B IPC, registered at Police Station Cyber Crime, Gurugram.

The brief facts are that the police on a secret information raided second floor of plot No. U-21/22 Block 3 C, DLF Gurugram and it was found that Shubhram Yadav, Sumit Ahuja and Devrat Ahuja were running a fake call centre there. During investigation, it revealed that by making Voice Over Internet Protocol (for short, 'VOIP'), the material data i.e. mobile numbers and e-mail Ids of foreign customers were collected. Bulk e-mails were sent and money was charged for fixing the virus through remote access. The petitioner was named by the co-accused stating that he used to collect data and provide it to the centres of fake call centres. He was also indulging in sending bulk e-mails and get money through gift cards.

Learned counsel for the petitioner submits that notice under Section 41-A Cr.P.C. was issued after dismissal of anticipatory bail by the

Sessions Court. He further submits that the petitioner is only 10+2 student, he could not have provided any technical assistance for committing on-line fraud and had no connection with the arrested co-accused. It is further argued that the petitioner was not named in the FIR.

Learned counsel for the State appearing on advance notice vehemently opposes the prayer for grant of anticipatory bail. She submits that it is a case of on-line fraud. The *modus operandi* and involvement of other co-accused are to be un-earthed. Recovery of devices used is to be made.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to comply with the notice under Section 41-A Cr.P.C.

Dismissed as withdrawn with liberty as prayed for.

[AVNEESH JHINGAN]
JUDGE

11th March, 2022

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1. Whether speaking/ reasoned
2. Whether reportable

: Yes /No
: Yes /No