216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13709-2022
Date of Decision: 20.04.2022

Vijay Kumar

......Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.K. Phoolka, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Manish Kumar, Advocate for the complainant.

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JASJIT SINGH BEDI, J.(Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case FIR No.0033 dated 08.03.2022, registered under Section 420 IPC at Police Station Nehianwala, District Bathinda (Annexure P-1).

The brief facts of the case are that the complainant-Anuradha alleged that her husband Mahesh Kumar, who was running a Hotel/Dhaba had died on 28.04.2017 and their family had family relations with Vijay Kumar, petitioner, who was on visiting terms. Her husband owned two shops at Pili Banga in Rajasthan. Vijay Kumar also revealed that her husband had three bank accounts i.e. in HDFC Bank, Baroda Bank and ICICI bank. Vijay Kumar, who was a Computer Operator and was claiming to be working as Kanungo at Faridkot, assured to get mutation of the shops in the name of her husband, sanctioned in her name and get the amounts transferred in her name. She agreed to bear the expenses for the same. Vijay Kumar had taken Rs.6400/- and Rs.3200/- in cash on 18.06.2020 and even thereafter, he had been taking amount in cash from time to time. He had been sending fake government messages to her mobile phone and had also been issuing hand written receipts, due to which she did not suspect him. Ever since 18.06.2020 till March, 2021, he received Rs.5,67,703/- on different dates from the complainant. However, when the mutation was not got sanctioned and the amount not got transferred from the banks, she contacted Vijay Kumar, who revealed that he has not deposited any fees qua the sanctioning of mutation nor initiated steps for the transfer of the amounts of the bank. He rather threatened her that as he had contacts with Dimpi Gangster. Thereafter, the present FIR came to be registered on her complaint.

The learned counsel for the petitioner states that the petitioner has not committed any offence and no money has been deposited in his account. He submits that it is highly unlikely that this much cash amount would have been given to him without any receipt or written document being executed. He further submits that the petitioner is a 50% handicapped person and deserves the concession of anticipatory bail.

I have heard the learned counsel for the parties at considerable length.

The present FIR was registered after an inquiry had been conducted by the Cyber Cell regarding the allegations made in the complaint and on seeking a report of the D.D.A. (Legal), the case was registered.

A number of text messages have been produced before the Court today sent to the complainant under the head "VM-OKCRED". A perusal of these text messages show *prima facie* an ongoing transaction between the complainant and the petitioner regarding sanctioning of mutation. The report of the Cyber Cell shows that the messages had been sent from mobile No.9814546917 registered in the name of Ok. This mobile number, from which the messages had been sent under the head "VK-OKCRED, AD-OKCRED, VM-OKCRED and AX-OKCRED" belongs to Jatinder Kumar son of Sham Lal i.e. the father of the present petitioner. It would also be relevant to mention here that during the course of proceedings, the learned counsel for the petitioner made a statement that there was evidence to suggest that the money received by him from the complainant was paid to the relevant department for sanctioning of mutation etc. However, no such evidence has been placed on record and this fact has been specifically denied by the learned State counsel as also the learned counsel for the complainant, who have vehemently argued that as per investigation, no amount allegedly received by the petitioner was ever deposited in any Government department on behalf of the complainant.

Keeping in view the circumstances and the documents on record, which shows that the messages qua the amounts deposited by the complainant under the fake IDs was sent to the complainant from the mobile phone of the father of the petitioner. It is apparent that a widowed neighbour has been cheated by the petitioner of a huge sum of money.

In view of the above, the petitioner does not deserves the concession of anticipatory bail.

Accordingly, the present petition is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

20.04.2022
JITESH

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