

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-18381-2022 (O & M)****Date of decision: 02.05.2022**

Vikas Nain

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. D.K. Mehta, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

1. The present petition under Section 438 Cr.P.C. is for the grant of the anticipatory bail to the petitioner in a case FIR No.154 dated 05.04.2022 under Sections 420, 406, 384, 506 and 34 IPC registered with Police Station Model Town, District Panipat (Annexure P-1).

2. The prosecution case, in brief, is that the complainant-Mamta alleged that while returning from village Attawala (Tola), District Panipat in a van, she and her aunt-Bimla seemed perturbed as her husband was in custody in a case under the POCSO Act. The driver of the van, namely, Ranbir asked them as to why they were disturbed and they revealed their story to him. He gave them the mobile number of the petitioner-Vikas Nain and assured that he would help them. The complainant, thereafter, is said to have called the petitioner-Vikas Nain and on making enquiries, he assured them that he could get the matter settled. He informed them that the complainant-Urmila in a case under the POCSO Act against the husband of

on the statement of Vikas Nain, the complainant arranged the said amount from her family members and handed over the same to Vikas Nain on 16.03.2020. On 17.03.2022, there was a Court hearing in the case against her husband where the complainant deposed against her husband. At that time, she came to know that there had been no compromise effected and no money had been paid to the complainant-Urmila by the said Vikas Nain.

3. Based on the aforementioned allegations, a complaint was sent to the police which led to the registration of the FIR.

4. The learned counsel for the petitioner contends that the allegations in the case are unbelievable. It is not possible that the complainant was able to raise a sum of Rs.4,50,000/- in such a short period of time from her relatives. He contends that the petitioner is known to the complainant in the POCSO case as also the present complainant. The present complainant assumed that the petitioner could prevail upon Urmila, the complainant in the POCSO Act to effect a settlement. As the said settlement did not fructify, the present complainant has implicated the petitioner since she felt that the petitioner had not supported her adequately. She further contends that there is no evidence of any money actually changing hands.

5. I have heard the learned counsel for the petitioner.

6. The present FIR was registered only after an enquiry was conducted by the DSP (Traffic) under the orders of the Superintendent of Police, Panipat. In fact, the accused-petitioner Vikas Nain was in custody in another FIR and production warrants were obtained against him but in the meantime, he was granted bail. The call details, tower location, IDs, etc. would reveal that several conversations have taken place between the

cannot be said that the version of the complainant in the FIR is untrue, at least, at this stage.

7. Further, the investigating agency has verified how the money was arranged by the complainant to be paid to the petitioner. It cannot be denied that the complainant, who is woman whose husband is in custody, has fallen into a trap laid by the petitioner. It is also not in doubt that the petitioner is an accused in another FIR No.851 dated 13.11.2012 under Sections 170, 452 and 506 IPC registered with Police Station Old Industrial, Panipat.

8. Keeping in view the seriousness of the allegations and the manner in which a lady has been cheated for a huge sum of money, the petitioner does not deserve the concession of anticipatory bail as the custodial interrogation of the petitioner is imperative. Thus, the present petition for grant of anticipatory bail is dismissed.

(JASJIT SINGH BEDI)
JUDGE

May 02, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No