

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

**CRM-M No.26022 of 2022
Date of Decision: 13.07.2022**

Saddam

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mohd. Uzair, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. A.G, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.109 dated 21.02.2022 registered at Police Station Pundri, District Kaithal, under Sections 419, 420, 467, 468, 471, 120-B and 201 IPC, the petitioner has preferred the instant petition to seek the relief of pre-arrest bail.

2. Bereft of unnecessary details, the allegations, as levelled by the complainant in the subject FIR, are that she had received a phone call regarding a job offer to her and thereafter, the caller had induced her to pay/transfer money on different occasions and thus, she was duped of the total amount to the tune of Rs.3,78,680/-.

3. Reply on behalf of the respondent-State, by way of the affidavit of Deputy Superintendent of Police (AEC), Kaithal, along-with

Annexures R-1 to R-3 and the vernacular versions of Annexures R-1 and R-2, has been submitted in the Court today and these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the name of the petitioner does not find mention in the FIR and rather, he has been roped in as an accused in the present case merely on the basis of the disclosure statements as allegedly suffered by his co-accused and moreover, no recovery is to be effected from him and therefore, he deserves the relief as sought in the present petition.

6. Per contra, learned State counsel argues that the petitioner is the main perpetrator of the crime and he had been running a fake Call Centre in the premises let out to him vide rent-deed Annexure P-3 and the amount of Rs.2,80,000/-, mobile phone, ATM Card and SIM Card are yet to be recovered from him and therefore, the instant petition be dismissed.

7. Annexures R-1 and R-2 are the disclosure statements allegedly suffered by the co-accused of the petitioner named Ashwani, wherein he has disclosed about the role of the petitioner in the alleged crime. As specifically mentioned in para No.8 of the preliminary submissions in the said Reply, the co-accused of the petitioner named Sohit had suffered the disclosure statement to the effect that the petitioner had been paying him the commission out of the amount fraudulently collected on the pretext of

offering the jobs and had also been using his debit-card and bank account number. Further, in para No.9 therein, it has also been mentioned that the co-accused of the petitioner named Dharamender Nagar and Ashwani had suffered disclosure statements to the effect that they, along-with the petitioner, used to run a fake Call Centre in a rented accommodation at Noida and at the instance of the petitioner, they both used to allure persons to deposit money on the pretext of offering the jobs to them. Then, in the concluding para in the Reply, it has specifically been mentioned that the recovery of the amount of Rs.2,80,000/-, ATM Card, mobile phone and SIM Card is yet to be effected from the petitioner. In these circumstances, the possibility of the requirement of the custodial interrogation of the petitioner for the above-said purpose, cannot be ruled out.

8. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of pre-arrest bail. Resultantly, the petition in hand stands dismissed.

July 13, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>