

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

CRM M 36698-2022 (O&M)

Date of Decision: 22.8.2022

Majid

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:-HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Pardeep Panwar, Advocate for the petitioner

Mr.Tanuj Sharma, AAG, Haryana

...

CRM 29744-2022

This is an application for grant of leave under Rule 3/A (1) of Chapter VI, part B, Vol. V of the Punjab and Haryana High Court Rule and Order. The application is allowed as prayed for.

CRM M 36698-2022

The petitioner has approached this Court by filing this petition under Section 438 of the Cr.P.C. for grant of anticipatory bail to him in FIR No.247 dated 8.6.2020 under Section 420 added later on Section 406, 120-B of the IPC, registered at Police Station Ganaur, District Sonipat.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. He was named by co-accused. The only allegation against the petitioner is that his mobile number is attached with the bank account of his father.

On the contrary, learned counsel for the State submits that the amount involved was transferred fraudulently in the account of petitioner's father with which the mobile number of the petitioner is attached. Learned counsel on instructions from ASI Satbir Singh, submits that the petitioner has been absconding for the last more than 1-1/2 years and publication under Section 82 of the Cr.P.C. has already been ordered to be issued against the petitioner.

Having heard learned counsel for the parties and going through the paper-book, it reveals that on 7.6.2020 at about 12.30 pm, the complainant received different messages regarding withdrawal of amount in total of Rs.98,004/- from his account with the Indian Bank Ganaur; and the amount of Rs.20,000/-, Rs.10,000/-, Rs.10,000 and Rs.9469/- were fraudulently transferred in different accounts including the account of petitioner's father with which the petitioner's mobile number is attached. This is a cyber crime and such crime is carried out in a phased manner involving chain of events and fraudsters and tricksters, who continue to pose a serious threat to the ordinary account holders. Further more, the petitioner has been absconding and publication in this regard has also been ordered to be issued. It is settled proposition of law that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant in terms of Section 82 of the Cr.P.C, he is not entitled to the relief of anticipatory bail. This view of mine is fortified by the judgment of the Hon'ble Supreme Court in case **State of M.P. vs. Pradeep Sharma, 2014 (1) RCR (Criminal) 269.**

In view of the above and keeping in view the nature of averment and conduct of the petitioner, I do not deem it fit to extend the concession of anticipatory bail to the petitioner.

Dismissed.

(ASHOK KUMAR VERMA)
JUDGE

22.8.2022
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No