IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212 **CRM-M-40438 of 2022**
Date of Decision: 27.09.2022

Subham Kumar

...... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Neeraj Yadav, Advocate, for the petitioner.
Mr. Naveen Singh Panwar, DAG, Haryana

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JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.80 dated 29.04.2019, under Sections 406 and 420 IPC, registered at Police Station Rewari Sadar, District Rewari.

As per the allegations contained in the FIR, the complainant who was working as an employee of the railway department received a call from a person stated that he is working in the Accounts Section of DRM Office, New Delhi, which is the head office of the railway department and asked for details of the mobile number of the complainant since it is to be linked with the bank account. Although earlier the complainant refused to give the details but thereafter on repeated persuations that the caller was calling from the DRM Office he agreed with the same and he was sent a link on the basis of which an OTP was generated and was sent to the petitioner and thereafter in the evening an amount of Rs.49,000/-, Rs.1000/-, Rs.30,000/-, Rs.20,000/- and some more amount, totally Rs.1,63,500/- was transferred through UPI.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case since the alleged recovered amount was not found from the petitioner but recovered from the mother of the petitioner in cash and the petitioner has nothing to do with the present offences especially in view of the fact that he has clean antecedents and is not involved in any other case.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that a status report has been filed by the Deputy Superintendent of Police, Bawal, District Rewari on behalf of the State of Haryana and while referring to the aforesaid affidavit, he submitted that it is a case where during investigation, it was found that it was the petitioner who had called from his mobile number to the complainant and thereafter a link was sent to him which created an OTP which was sent to the petitioner by the complainant and thereafter an amount of Rs.1,63,500/- was transferred through UPI in the account of the petitioner which amount he had withdrawn was recovered from his house. The learned State counsel submitted that once the aforesaid amount itself has been deposited in the name of the petitioner through UPI mode, it cannot be said that the petitioner was not involved in the offence. He further submitted that such like instances are on the rise whereby calls are made to the innocent people and are deceived since an ordinary layman is not much aware of the technology knowhow and sometimes people are not well informed that they should not share their details or the OTP and present is a case where such an instance has taken place by which the petitioner has defrauded the complainant. He submitted that it is a fit case where custodial interrogation of the petitioner is required for the purpose of qualitative interrogation and for the purpose of elicitation of truth to ascertain the *modus operandi* adopted by the petitioner and also as to how many persons are involved in such kind of fraud. He further submitted that the petitioner is a resident of Bihar and in case the anticipatory bail is granted to the petitioner then there is a strong likelihood that he may abscond from justice and has therefore vehemently opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

As per the allegations, the petitioner had made phone call to the complainant by which a link was sent to him and thereafter an OTP was generated which was sent by the complainant to the petitioner and consequently an amount of Rs.1,63,500/- was transferred in the account of the petitioner from the account of the complainant. The arguments raised by the learned counsel for the petitioner that the petitioner was innocent and he has clean antecedents cannot sustain in view of the fact that during investigation as per the learned State counsel, it was found that the amount was transferred in the name of the petitioner through UPI. The statement made by the learned State counsel that now-a-days such kind of offences are on the rise and for the purpose of qualitative interrogation and to know the *modus operandi,* the custodial interrogation of the petitioner is required cannot be ignored and carries weight. Further submission which was made by the learned State counsel that the petitioner is a resident of another State and there is likelihood that in case anticipatory bail is granted to him, then he may abscond since the State is different, also cannot be ignored.

In view of the aforesaid facts and circumstances of the case, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner. Consequently, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

September 27, 2022 **(JASGURPREET SINGH PURI)**
dinesh **JUDGE**

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No