

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48224-2021
Date of Decision: 10.02.2022

MANISH TRIPATHI

....Petitioner

Versus

U.T. CHANDIGARH

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Ankur Malik, Advocate for the petitioner
Mr.D.S. Brar, APP for UT Chandigarh

Deepak Sibal, J. (Oral)

The matter has been taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.38 dated 09.07.2021 registered under Sections 419, 420, 120-B IPC at Police Station Sector 19, District Chandigarh.

Wg. Cdr. Bikram Dev Singh filed a complaint with the police that one Jasmine Wilson send him a request on Facebook which he accepted; thereafter, she asked for the complainant's Whatsapp number which was shared; the parties then shared their family pictures; after a few days she lured the complainant to do business of buying and selling Mucuna Nuts; huge profits were assured; she then shared with the complainant Mrs.Monu Laxmi Tabas's telephone number who then called the complainant and told him that 20 grams of Mocuna Nuts would cost him Rs.71,000/-; the complainant placed an order of 60 grams of Mucuna Nuts; Rs.2,12,000/- were transferred by the complainant in the account number sent to him by Monu Laxmi Tabas; thereafter, the complainant received 3 Sachets of Mucuna Nuts; the complainant then sought and got loan of Rs.1,06,50,000/- and on the asking of

the accused transferred amounts to different accounts, the numbers of which were supplied by the accused; however, no goods were received by the complainant and he did realise that he has been defrauded; one of the bank accounts to which the complainant's money was ultimately transferred was that of the petitioner's and therefore he was also nominated as one of the accused.

On 17.11.2021, when the matter came up for hearing before this Court, learned counsel appearing for the petitioner was confronted with the receipt of the complainant's money in his account on which he sought and got time to file an additional affidavit of the petitioner to explain such transaction. Even after nearly 3 months and grant of several opportunities, including a last opportunity, no explanation by the petitioner is forthcoming and therefore it can safely be presumed that the petitioner has no legal explanation for the same.

In the light of the above conduct of the petitioner and because the complainant, a retired officer of the Indian Air Force, has been duped for a huge amount of Rs.1,06,50,000/- by a gang of which the petitioner is allegedly a member and who apparently have links all over the country, this Court is of the opinion that the petitioner's custodial interrogation is required to find out, amongst other things, the exact nature of the crime; as to who all are involved and in addition to the complainant if any other innocent persons like him have also been defrauded.

Dismissed.

10.02.2022

gk

(Deepak Sibal)
Judge

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