105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47006-2022
Date of decision: 14.10.2022

Mustfa ....Petitioner

versus

State of Haryana and another ....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. S.K. Tripathi, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in a case bearing FIR No.0019 dated 10.07.2022 under Sections 379/420 of IPC registered at Police Station Cyber Police Station, South Range, Rewari, District Rewari.

The case of the prosecution is that on 10.07.2022, the complainant Nikita came to the Police Station and moved a complaint to SHO, Cyber Crime Cell, Rewari. She stated that she received a call on her Mobile No.9664071549 from Mobile Phone No.8101567839. He impersonated to be her known person and told her to transfer Rs.1 into the UPI ID 9709917359-1 @Okbizaxis and in return she received Rs.2 in her account. Later on, she came to know that a sum of Rs.1,90,999/- has been transferred in the Bank account No.9180201100872063 and 99980119512817 of Axis Bank and Federal Bank respectively. On her complaint, the present FIR under Sections 406/420 of IPC was got registered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He further submits that no amount has been transferred in his account. He is not having any criminal antecedents and is ready to join the investigation.

Per contra, the learned State counsel on the strength of adanvce copy has opposed the grant of pre arrest bail to the petitioner and submitted that in the Court of learned Additional Sessions Judge, Rewari, on the application of the petitioner for grant of pre arrest bail, it was submitted in the reply that the petitioner was found withdrawing money from VAKRANGEE ATM. The CCTV footage was obtained. The money from the accounts in which the funds were transferred from the account of complainant, was further transferred to the Bank Account No.922010022167006. It was the same account from which the applicant/petitioner was withdrawing the money using ATM Card and it is a Cyber Crime.

Considering the overall circumstances of the case and the allegations which are serious in nature, custodial interrogation of the petitioner would be required in the present matter since it is a Cyber Crime and the grant of concession of pre arrest bail at this stage to the petitioner would hamper the process of investigation resulting to weaken the case of prosecution.

Consequently, the instant petition stands dismissed.

(NAMIT KUMAR)
JUDGE

14.10.2022
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No