

104

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM M-5179-2023

Date of Decision: February 01, 2023

Vijay Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

-.-

Present:- Mr. Johan Kumar, Advocate for the petitioner.
Mr. Sumit Jain, Addl.A.G., Haryana.

-.-

HARKESH MANUJA.J. (ORAL)

By way of present petition, a prayer has been made for grant of anticipatory bail to the petitioner in case FIR No. 20 dated 10.03.2022, under Sections 419, 420 IPC (Sections 467, 468, 471, 120-B IPC, added lateron), registered at Police Station Cyber Crime, N.I.T. Faridabad.

Learned counsel for the petitioner submits that except disclosure made by one of the co-accused, namely, Vinay, there is no other evidence against the petitioner to connect him with the alleged offence. As regards the disclosure, even learned counsel for the petitioner submits that the same cannot be taken into consideration as having been allegedly rendered while Vinay Kumar was in judicial custody. Learned counsel also submits that at the time of occurrence, the petitioner was not even present either in Delhi or at Ranchi; but was travelling to Goa and thus, prays for grant of pre-arrest bail in the aforementioned FIR.

On the other hand, prayer made herein has been opposed by learned State counsel while submitting that as per the investigation carried out by the concerned Cyber Cell, the petitioner has been found to be the king pin of the entire racket and there are 05 (five) other cases of similar

nature pending against him and thus, he does not deserve the concession of pre-arrest bail.

I have heard learned counsel for the parties and gone through the paper-book. Though apparently, the name of the petitioner has surfaced in a disclosure made by one of the co-accused, namely, Vinay Kumar, however, in such kind of rackets, wherein the bank frauds or on-line frauds are committed, there are possibly no chances of knowing the accused by name and it is only after thorough investigation, the real person behind the curtain can be brought at the front stage and, therefore, the petitioner at this stage, cannot be granted the benefit of grant of anticipatory bail merely on the ground that his name has come out in a disclosure made by one of his co-accused and also particularly in the circumstances, wherein he has been found to be involved in 05 (five) other cases of similar nature. At this stage, the custodial interrogation of the petitioner is required in the facts and circumstances of this case so as to unearth the modus adopted by the gang of which, the petitioner appears to be the master, besides even for the purposes of tracking the others involved in the fraud.

Finding no merit in the petition, the same is dismissed.

However, the above observations may not be construed as an expression of opinion on the merits of the case.

February 01, 2023
sanjay

(HARKESH MANUJA)
JUDGE

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