

101

Neutral Citation No. 2023:PHHC: 100125

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

CRM-M-17397-2023

DECIDED ON: 3rd AUGUST, 2023

ARVIND RATHORE

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Karan Puggal, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 438 Cr.P.C., has been invoked 3rd time for grant of anticipatory bail to the petitioner in case FIR No. 144, dated 02.07.2022, under Section 420 IPC, registered at Police Station Dharamkot, Moga

2. Learned counsel for the petitioner contends that it is on account of alleged fraud the petitioner has been roped in, in spite of the fact that no amount was ever credited to his account and he is not the beneficiary.

3. This is the third petition seeking pre-arrest bail within almost 4½ months whereas, earlier petition i.e. CRM-M-14597-2023 was

dismissed as withdrawn after arguing for some time on 23.03.2023 and subsequently, an application was filed in the main petition, which was also dismissed as withdraw with liberty to make correction in the memo of parties. Thereafter, CRM-M-15581-2023 was filed afresh, which was also ordered to be dismissed as withdrawn again having typographical errors occurred in the petition.

4. Learned State counsel, on instructions from ASI Rashpal Singh, submits that out of total amount of Rs.85,000/-, an amount of Rs.24,999/- was transferred in Fedral Bank Account. The said amount was transferred through Paytm to the account of the person having mobile No. 88781-24864, which belongs to the petitioner. The said fact though has been controverted by learned counsel for the petitioner stating that the petitioner has no concern with the said mobile number, as it is being used by some body else. It is further asserted on behalf of petitioner that he is ready to join the investigation and also ready to deposit the amount with the Investigating Agency, as is alleged in the FIR for the purpose of seeking pre-arrest bail.

5. Considering the nature of allegation where innocent people have been deceived through online fraud and such offence is rampant in the Society wherein people feel unsafe even while depositing their hard earned money in a nationalized banks, which is otherwise considered the best secured mode to protect the savings and to meet exigencies on various accounts during the course of maintaining their families.

6. In fact, the petitioner has hacked the account of complainant and who has been deceived for a sum of Rs.85,000/-, cstodial interrogation

of the petitioner is necessary in order to effect recovery of that amount apart from collecting to get information of such other accused or groups, who are operating and deceiving the innocent people by online fraud.

8. Considering the severeness of the offence and the direct material available to connect the petitioner in commissioning of offence, no ground is made out for granting concession of pre-arrest to the petitioner.

9. In view of above discussion and circumstances, the present petition stands dismissed being devoid of any merits.

(SANDEEP MOUDGIL)
JUDGE

3rd AUGUST, 2023
sham

- 1. Whether speaking/ reasoned : Yes / No
- 2. Whether reportable : Yes / No