

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 102

CRM-M-25887-2023

Date of decision : 22.05.2023

Parmod Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Karminder Singh, Advocate and
Mr.P.S.Walia, Advocate, for the petitioner.

Mr.Viney Phogat, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

(1) Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.07 dated 15.09.2022 registered under Sections 379 and 420 IPC at Police Station Cyber Jind, District Jind.

(2) Briefly stated, the case of the prosecution is that through the complainant's facebook ID he was contacted by one Robin who offered him a job which was to have sex with rich ladies; for the said job the complainant was offered Rs.8000-9000 per hour; Robin promised 10 to 12 such meetings in a month; on the asking of Robin the complainant shared with him his aadhar card as also made deposits of a total amount of Rs.8.50 lakhs (approximately) in the bank accounts of Shambhu Mandal, Amit Kumar and Parveen; Robin told the complainant that the afore amounts were required to get clearances from different departments including the police department; the complainant then came to know that he had been defrauded and accordingly filed a complaint with the police.

(3) The police investigated the matter and found that the complainant had made the deposits in the bank accounts of Shambhu Mandal, Amit Kumar and Parveen. On being questioned, Amit Kumar and Parveen disclosed that

they were the employees of different mobile companies and used to sit in the petitioner's shop. They further disclosed that the petitioner had told them that several transactions with regard to sale/purchase of mobiles had already taken place in his account and therefore certain payments due to him would be routed through their accounts which they permitted. The police further found that there was no person by the name of Robin.

(4) Apprehending arrest the petitioner sought anticipatory bail from the Sessions Court at Jind on the rejection of which he has knocked the doors of this Court seeking therein the same relief.

(5) Learned counsel for the petitioner contends that the petitioner is not named in the FIR; the petitioner does not have any other criminal antecedents; no amount from the complainant has been deposited in the petitioner's account; there is no connection between the petitioner and the complainant or with co-accused-Shambhu Mandal and that the only evidence against the petitioner is a disclosure statement which has no evidentiary value.

(6) Learned State counsel, who appears on advance notice, opposes the petition by submitting that on being questioned both Amit Kumar and Parveen have specifically stated that the amounts deposited by the complainant in their bank accounts were on the asking of the petitioner as they both used to sit in the petitioner's shop and that the police is still to find out as to whether it is the petitioner who was the kingpin behind this sex racket as also if other persons like the complainant have been swindled.

(7) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(8) On the asking of one Robin the complainant deposited Rs.8.5 lakhs in the bank accounts of Shambhu Mandal, Amit Kumar and Parveen.

Such deposits were on the offer of a job to the complainant to have sex with rich

ladies. The police has found no person by the name of Robin. Shambhu Mandal is on the run. Amit Kumar and Parveen have specifically stated before the police that since they used to sit in the petitioner’s shop, on the asking of the petitioner, they had permitted deposits to be made in their bank accounts.

(9) The afore serious allegations do not entitle the petitioner to the grant of anticipatory bail especially when the police believes that it is the petitioner who is the kingpin behind the alleged fraud/sex racket and for the reason that it is still being investigated as to who else is involved and whether other persons like the complainant have been duped.

(10) Dismissed.

(11) It is clarified that the above observations have been made only for the limited purpose of deciding the present petition and the same would not be construed to be an expression of opinion on the merits of the case.

22.05.2023
shamsher

Whether speaking/reasoned
Whether reportable

:

Yes / No
Yes / No

[DEEPAK SIBAL]
JUDGE