

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102 CRM-M-31330-2023 (O&M)
Date of decision: 10.10.2023

Avinash Mishra ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Saurabh Dalal, Advocate for the petitioner.
Ms. Ambika Sood, Addl. A.G. Haryana.

FIR No.	Dated	Section/s	Police Station
15	18.03.2023	419, 420, 120-B IPC and 66 of Information & Technology Act, 2000	Cyber South, Gurugram.

VIKAS SURI, J.

[1] The petitioner-Avinash Mishra has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in the above-captioned case FIR.

[2] Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement suffered by co-accused Amit Rattan and Sanjeev Kumar, from whom alleged recovery of cheated amount has already been effected and both of them have since been enlarged on bail. Nothing is to be

recovered from the petitioner. The petitioner is not involved in any other FIR. The investigation is complete, therefore, the petitioner be granted the benefit of anticipatory bail.

[3] On the other hand, learned State counsel has opposed the bail application, submitting that the petitioner has actively participated in the commission of crime and some of the cheated amount is yet to be recovered from him. Therefore, the petitioner is not entitled for the relief as prayed for.

[4] I have heard learned counsel for the parties and considered the rival contentions.

[5] Admittedly, the petitioner was nominated in the present case on the basis of disclosure statement of co-accused Amit Rattan, wherein he has specifically named the petitioner and stated that the cheated amount was equally distributed amongst all the accused persons including the petitioner and 25% of the cheated amount came to the share of the petitioner. As per status report dated 03/04.09.2023, co-accused Amit Rattan and Sachin Kumar had been duly identified by the present petitioner while viewing the CCTV footage. The bank account kit and sim cards, used in the commission of crime, to cheat money on the pretext of allurements of 'work from home' from complainant Diksha Rani, are yet to be recovered from the petitioner. The FIR in the present case was registered on 18.03.2023. Pursuant to their arrest on 24.03.2023, co-accused Amit Rattan and Sachin have been granted the concession of regular bail. However, the petitioner instead of cooperating with the investigating agency, has evaded his arrest.

[6] Keeping in view the role of the petitioner and the fact that the recovery of cheated amount, bank account kit and sim cards etc., is yet to be effected, this Court is not inclined the grant the benefit of anticipatory bail to the petitioner, at this stage. Thus, the petition is bound to fail and is dismissed accordingly.

October 10, 2023
sumit.k

(VIKAS SURI)
JUDGE

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