

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.48537 of 2023 (O&M)
DATE OF DECISION: 03rd OCTOBER, 2023

Md. Ekbal Ansari

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Himanshu Bansal, Advocate and
Mr. Nevy Kumar, Advocate for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0028 dated 22.02.2023 registered under Sections 419, 420 IPC and Sections 66-C and 66-D of the Information Technology Act, 2000 at Police Station Cyber Police Station, Gurugram.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. He is not involved in the crime as alleged against him. In fact, the marriage of the petitioner was fixed. The petitioner had gone to Ranchi to purchase jewellery in connection with his marriage. There, one Manish, who is friend of his cousin, had met him and told the petitioner that he was in the need of cash and if he gives him cash, then he would transfer equal money to the account of the petitioner. Thereafter, the petitioner gave money in cash to said Manish. In return, Manish got transferred equal amount of money in the account of the petitioner. Thereafter, the petitioner purchased jewellery through his credit card. Therefore, the petitioner is not involved

in the crime. All wrong done has been done by the above said Manish only. The petitioner is ready to join the investigation as and when called by the Investigating Officer. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. Mr. Krishan K.Chahal, Addl. Advocate General, Haryana, accepts notice on behalf of the respondent/State.

5. Learned State counsel, being instructed by SI Jasvir Singh, has submitted that there has been a direct transaction from the account of the complainant transferring money to the account of the petitioner. The petitioner is not related to the complainant in any manner whatsoever. The cheating has been done through digital means by mis-representing before the complainant that the money was to be paid by him to DHBVN. Since the petitioner is direct beneficiary, therefore, he does not deserve to be protected against his arrest. The investigation of the case is at the initial stage. The police are to unearth the true dimensions of the involvement of the petitioner in the crime, therefore, his custodial interrogation is required in this case.

6. In view of the facts and circumstances available on record, as well as, the submissions made by learned State counsel, this Court does not find it appropriate to interfere in the matter so as to protect the petitioner against his arrest.

7. Dismissed.

03rd OCTOBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No