IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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2024:PHHC:000906
CRM-M-289-2024
Date of decision: January 8th, 2024

Arvind Rajpurohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vansh Malhotra, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail in case FIR No.82 dated 14.12.2022 under Sections 419 and 420 of the Indian Penal Code, (Sections 204, 467, 120-B IPC and Section 66-D of the IT Act added later on), registered at Police Station Cyber Crime, Gurugram.

2. As per the case of the prosecution, the complainant received a fraudulent message asking her to update her HDFC mobile application and PAN card details; on doing so, significant unauthorized deductions were then made from her bank account. The case of the prosecution is based upon the receipt of messages to the complainant, wherein she had been urged to update her HDFC mobile application and other related details, failing which, her account was liable to be suspended. After complying with the messages received and submitting an OTP (One Time Password), which had been sent to her mobile phone, she discovered that unauthorized transactions totalling ₹78,951/- (i.e. ₹49,047 in respect of payment to 'Builldk AXIS BANKCREDIT' and ₹29,904 deducted in the account of 'SBI CARDS') had been made. On being contacted by her banker regarding the aforementioned transactions, she denied the same and promptly got her net banking account blocked and also reported the fraud

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committed upon her to RBI Helpline, leading to the lodging of the FIR in question.

3. Learned counsel appearing for the petitioner, *inter alia,* contends that he has been falsely implicated in the case in hand; no amount of money was ever transferred in his account; coupled with the fact that neither was he named in the FIR nor is it the case of the complainant that she had been induced by him to update the relevant details pursuant to the messages received. It has been further submitted that the petitioner has clean antecedents and he is ready to join investigation and cooperate with the investigating agency.

4. Notice of motion.

5. On the asking of the Court, Ms. Trishanjali Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent.

6. Learned State counsel has opposed the prayer and submissions made by the counsel opposite. She, on instructions, has submitted that the petitioner is a man of criminal antecedents and he has not approached this Court with clean hands as he is involved in another criminal case of similar nature, which leaves no manner of doubt that he was indeed an active participant in the crime in question.

7. I have heard learned counsel appearing for the parties and perused the material placed on record.

8. Despite the claims being made by the learned counsel for the petitioner of the petitioner not being named in the FIR or having induced the complainant, much less by deceit, *prima facie* there is sufficient evidence on record to suggest the involvement of the petitioner along with the co-accused in a cyber fraud. It is evident that accused including the

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petitioner meticulously planned the execution of the fraud in question, for which his custodial interrogation would be necessitated.

9. The FIR in question was registered more than a year back and it is a matter of record that proceedings under Section 82 of the Cr.P.C. have already been initiated against the petitioner.

10. In the facts and circumstances as enumerated hereinabove, without commenting on the merits of the case, the instant petition stands dismissed.

January 8th, 2024 **(MANJARI NEHRU KAUL)**
Jaspreet Kaur/Puneet **JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No

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