2024:PHHC:016253

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

231

CRM-M-1363-2024
Date of decision : 06.02.2024

Sidharth Aggarwal **...... Petitioner**

versus

State of Punjab **...... Respondent**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Paras Jagga, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

****

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0088 dated 18.10.2023, registered for the offences punishable under Sections 419, 420, 467, 468 and 471 of IPC and Sections 66(C) and 66(D) of Information Technology Act, 2000 at Police Station Punjab Agriculture University (PAU), Ludhiana.

2. As per the contents of the FIR, it has been alleged as under:-

> "Today one complaint No. PGD 153690/150539 dated 28.04.2023 from Shivam has been received in the police station through post regarding registration of FIR the contents of which are as follows:- My name is Shivam Kumar I am working as a Manger in Urban Restaurant, Ludhiana. On 23rd one person name Sidharth Aggarwal son of Sushil Aggarwal Mobile No. 6284532403. He introduced himself as a Swiggy Manager and show some pamphlets of Swiggy and

2024:PHHC:016253

he offered us with 19999 package for life time on boarding on Swiggy including 5 years fssai license and etc. On 24th April, I called him to many time regarding our process but he do not respond. Paid him 4999 by account and 15000/- by cash. Regarding this I called Swiggy team on 24th April and Swiggy Team told me Sidharth Aggarwal is not working in Swiggy and Swiggy team told me we already got to many complaints regarding this. They provide me numbers of that persons who already fraud by them. I called and I see they already same issue. So after that I put his pitcher on social media from fb. I got his home address and meet his father and explained all matter and he using abuse language and his mother also give us (dhamki) main aisa bol doogi. SD/ Shivam S/o Sandeep Kumar. After conducting the initial inquiry of the above complaint by Incharge Cyber Crime Unit, Ludhiana further sent to Assistant Commissioner of Police, P.B.I, Economic Offence and Cyber Crime, Ludhiana who after agreeing with the report further sent to Additional Deputy Commissioner, Police at Ludhiana who after agreeing with the above report written that "the inquiry of the above complaint is done by Assistant Commissioner of Police, P.B.I, Economic Offence and Cyber Crime, Ludhiana. That according to the inquiry report above complaint is moved by Shivam son of Sandeep Kumar R/o H.No. 425/D Rajguru Nagar, Ludhiana presently residing at Flat No. 90, Nirmal Chhaya Nagar Apartment, Ludhiana against a person namely Sidharth has given information about fraudulently obtaining money from the applicant by stating himself as an agent of Swiggy company. During the inquiry, applicant Shivam has got recorded his statement that "I am working as Manager in Urban Vibes Restaurant for the last 1- 1/2 year. On dated 23.04.2023 one person came to above restaurant who told his name as Sidharth and said that I work in Swiggy Company and have come to as agent of the company. After that above Sidharth had said that he will get renew FSSAI license for five years and the delivery counter of the Swiggy company and board of your Restaurant also be installed, the total expenses around 19,500/- will be taken from you. Then he sent one mail from our mail ID urbanvibves55@gmail.com to the mail I.D. of Swiggy onboarding@swiggy.in and generated one ticket. After that Sidharth took my phone and filled one account number in goggle pay app and I was asked to pay the payment of Rs. 4999/-. Goggle pay was showing the name of the account number filled by him as 'Bundl Technologies Pvt. Ltd. For this reason I was not having any doubt on him and transferred the money to him from my Indian Bank account No. 7270842346 of Rs. 4999/- and gave him Rs. 14,500/- as Indian currency in cash. After two days I tried to contact the above Sidharth Mobile No. 628453204 and 9464275456 but he stopped picking up the phone, on being suspicious I contacted the customer care number No. 80692641 of Swiggy company and I got the Area Manager. Upon asking about Sidharth from him I found that no such persons works for them and neither Swiggy company takes any payment in cash or in the said account. Thus the person Sidharth has defrauded me by fraudulently obtaining Rs. 19,499/- from me by pretending to be an agent of Swiggy. So legal action be taken against the person namely Sidharth after tracing him and justice be delivered to me. xxxxx"

3. Counsel for the petitioner submits that all the allegations in the FIR even if taken on its face value, the complainant has been duped of Rs.20,000/-, out of which Rs.4,999/- allegedly came to the account of the petitioner.

4. Challan already stands presented. Investigation is concluded, thus there cannot be any apprehension that the petitioner shall tamper with the evidence.

5. Keeping in view the incarceration already suffered by the petitioner and the fact that challan already stands presented, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06.02.2024
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No