

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208)

CRM-M-2562-2024

Date of decision:- 09.02.2024.

Mahesh Sharma

...Petitioner

Versus

Union Territory, Chandigarh

..Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Raj Kumar Bhatia, Advocate for the petitioner.

Mr. Anil K. Lamdharia, Addl. P.P., U.T., Chandigarh.

Mr. Paul S. Saini, Advocate for the complainant.

PANKAJ JAIN, J. (Oral)

1. Custody certificate has been filed. The same is taken on record.

2. The bail plea of the petitioner already stands rejected vide order dated 24.11.2023 noticing that the petitioner is a kingpin in whose account whole of the amount has been traced by the Investigating Agency observing as under:-

“4. So far as the bail plea of two petitioners i.e. Raj Kumar Narang and Mahesh Sharma is concerned, learned Public Prosecutor has not been able to point out any distinguishing feature that can hold this Court from parity to the present petitioners vis-a-vis Partik Mangi (co-accused).

5. So far as the bail plea of Mahesh Sharma is concerned, learned Public Prosecutor has submitted that the account in which the amount of Rs.13 Lakhs was deposited by the complainant is in name of Mahesh Sharma and thus there being serious allegations against him, he does not deserve grant of bail being the main accused.

6. Learned counsel representing the petitioner-Mahesh Sharma has raised a plea that even as per the request of the prosecution filed before the Magistrate seeking 14 days judicial custody of the present petitioner, it has been admitted by them that though account is in the name of the present petitioner-Mahesh Sharma, but according to CDR and location basis, when the raid was conducted, it was Aditya Sharma son of Manish Sharma who was found residing at the said place. He thus contends that the name and identity of the present petitioner is being misused by the said Aditya Sharma.

7. Having heard rival contentions from counsel representing the petitioners, the complainant as well as the State, this Court is of the considered opinion that present petition filed by Mahesh Sharma deserves to be rejected.
8. The allegations levelled in the complaint point towards an online scam. These online scams apart from having wide sweep are faceless. Most of the time, the prey is not in the knowledge of the predator. When it is discovered by the victim that he has been duped, the dilemma is that the victim does not know the culprit. Thus, this Court does not find any merit in the contentions being raised by counsel for the petitioner that the name and identity of Mahesh Sharma was being misused by Aditya Sharma as he cannot deny the fact that the amount indeed travelled to the account which was in the name of the petitioner.
9. At this stage, learned Public Prosecutor for U.T. submits that there is another Fir registered against all the three accused before this Court in the present petitions in the State of Madhya Pradesh and there are production warrants which have been received by the authorities.
10. It is made clear that the two accused have been granted bail in the present case only. Obviously, the authorities are in law bound to comply with the production warrants. ”

3. Keeping in view the aforesaid circumstances, this Court does not find any reason to grant any bail to the present petitioner, at this stage.
4. Accordingly, the present petition stands dismissed.

(PANKAJ JAIN)
JUDGE

09th February, 2024
spn

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