

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

222

CRM-M No.5955 of 2024

Date of Decision: 23.04.2024

KHUSHI MOHAMMAD ALIAS AMAN RAJPOOT**.....Petitioner****Vs****STATE OF HARYANA****....Respondent****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Vaibhav Goel, Advocate and
Mr. Navnoor Singh Gill, Advocate
for the petitioner.

Mr. Rajiv Sidhu, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.07 dated 01.05.2023 registered under Sections 419/420/467/468/471/506/386/120-B IPC at Police Station Cyber Sonipat, District Sonipat, Haryana wherein the petitioner has been implicated with the allegation of having duped of the complainant for a sum of Rs.28,49,550/- by way of online fraud.

2. Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of challan followed by framing of charges on 28.09.2023. The petitioner is in custody for the last 09 months and 23 days and the trial is likely to take some time.

3. Learned counsel further submits that infact the petitioner is a victim at the hands of Mohammad Shah, who opened bank account in the name of petitioner and later misused the same.

4. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that petitioner happened to be a beneficiary of the entire fraud committed by him along with his other accomplices as a sum of Rs.5.5 lakhs was transferred in his account out of total amount of Rs.2.5 crores deposited in the bank account maintained by M/s Star Vision Implex through its proprietor Himanshu to which some of the amount from the accounts of complainant was deposited between 12.04.2023 to 14.04.2023 besides some other deposit been made in another account maintained in the name of Express Logistics through its proprietor. It has also been submitted that the petitioner even received unaccounted amount of Rs.87 lakhs in his account from unknown sources.

5. Learned State counsel further submits that the petitioner happens to be the brother-in-law of one of the main accused Danish, who is mastermind of the entire racket of this online fraud and at present is in Dubai; yet to be arrested.

6. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made by learned counsel for the petitioner.

7. In the present case, involvement of the petitioner is *prima facie* made out in the alleged offence as a sum of Rs.5.5 lakhs was transferred in his account from the account of M/s Star Vision Implex and the same was even withdrawn by the petitioner as per prosecution, through repeated ATM transactions which were clearly visible in the CCTV footage. Moreover the petitioner has not been able to explain as to under what circumstances the unaccounted amount of Rs.87 lakhs was deposited in his account during the same period.

8. As regards the contention of petitioner that the account in his name was got opened by one Mohammad Shah while mentioning the mobile number of his father is wholly misplaced in the given facts and circumstances as despite

having been arrested in the present case as well as in one another FIR No.189 registered at Police Station Dwarka, New Delhi relating to similar allegations, how complaint has been made against him now i.e. after more than seven-eight months and, thus, the conduct of the petitioner goes unexplained to this extent, besides his continuous connectivity with the said Mohammad Shah through repeated mobile calls as traced out by the Investigating Agency.

9. In such circumstances, considering the unexplained deposit and withdrawal of huge amounts in the account maintained in the name of petitioner as well as his involvement in one more case of similar nature, I do not see any reason to grant concession of regular bail in his favour and, thus, the present petition is dismissed.

10. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

April 23, 2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No