

[216] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10237-2024
Date of Decision : 05.03.2024

Wasim ...Petitioner

versus

State of HaryanaRespondent

Coram : HON’BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Satish Chaudhary, Advocate for the petitioner.
Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

- [1] By way of this petition filed under Section 438 Cr.P.C., petitioner is seeking anticipatory bail in case FIR No.04 dated 11.10.2022 under Sections 406/420/120-B of IPC, 1860, registered at Police Station Cyber Crime Hansi, District Hansi.
- [2] Status report by way of affidavit dated 04.03.2024 of Shri Ravinder Sangwan, HPS, Deputy Superintendent of Police, Hansi, on behalf of the respondent-State has been filed in Court today. The same is taken on record. Copy thereof has been supplied to learned counsel opposite.
- [3] FIR was lodged on the complaint of Sunil son of Jaivir, as per which, on 15.08.2022 at about 11:51 AM, his friend Vikas received a call on his Mobile No.8059176907 from Mobile No.9682846367. The caller introduced him as Khan and told Vikas that he was sending Rs.20,000/- to his account and requested him to send the amount to his account number after two days. Vikas asked him to send money on the

complainant. Thereafter, the unknown caller called the complainant and asked his whatsapp number and then sent a link to him, asking him to open the same quickly. As the complainant followed his instructions and clicked the link, he noticed that money had been transferred from his account twice. The caller assured that money will return within 24 hours and asked him to open the link to receive the amount. Complainant got suspicious and disconnected the call. Subsequently, the complainant came to know that an amount of Rs.97,074/- had been withdrawn from his account.

[4] During investigation, it was found that money was transferred through User Pay in the account No.40463349116 of Mustak son of Jamil with which Mobile No.9352538455 was linked. The said phone was found to be operating in Rohtak. The subscriber was contacted, who disclosed his name as Rashid and arrested on 13.10.2022. The said Rashid during his disclosed statement, disclosed that his brother-in-law Wasim (petitioner) used to indulge in online fraud transactions and that he had committed fraudulent transactions with innocent person and used to get the amount transferred in their accounts and after retaining their commission, they returned the balance amount to him i.e. Wasim (petitioner). Rashid also disclosed that on that day, he had received an amount of Rs.80,000/- from some account. He withdrew the amount and after retaining Rs.30,000/-, he returned rest of the amount to the petitioner (Wasim).

petitioner has been falsely implicated on the basis of disclosure statement of co-accused; that petitioner is not named in the FIR; that no amount was received in the account of the petitioner and that he is ready to join the investigation and so he be allowed the anticipatory bail.

[6] Strongly opposing the bail petition, learned State Counsel submits that custodial interrogation of the petitioner is required to unearth the entire *modus operandi*, for committing the online fraud with the innocent people. The name of the petitioner has surfaced in the disclosure statement of co-accused and it is the petitioner, who used to commit the fraudulent transactions by using the account of Rashid. Prayer is made for rejecting the petition.

[7] After hearing submissions of both the sides, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner, as custodial interrogation of the petitioner will be necessary to unearth the entire truth. The online frauds are on increase. Without the custodial interrogation of the petitioner, the entire truth may not come out.

[8] Dismissed.

(DEEPAK GUPTA)
JUDGE

05.03.2024
'Rajneesh'

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