

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14726-2024
Date of Decision:05.04.2024

Pawan Kumar ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Pankaj Garg, Advocate
for the petitioner.

Mr. Deepinder Brar, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.PC with a prayer to grant anticipatory bail to him in case FIR No. 120 dated 18.10.2023, registered under Sections 420 and 120-B of IPC, Police Station Cantt Ferozepur, District Ferozepur.
2. The FIR in the present case has been got registered by the complainant namely Pammi Nayin wife of Sh. Colonel Munish Nayin with regard to an online fraud committed by the certain persons.
3. Learned counsel for the petitioner contends that the account of the petitioner was misused by some other persons and he had no knowledge with regard to the entire fraud. Learned counsel further contends that the amount, which was allegedly taken from the complainant has been returned to the complainant. He further submits that the petitioner had opened his account on 22.09.2023 and on the same day, hundreds of transactions were made by the

professional hackers and due to hundreds of transactions in one day, the account of the petitioner was freezed. He further contends that the petitioner has been called repeatedly by the police and other Investigating Agencies and he has already co-operated with the Investigating Agencies.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations have been levelled against the present petitioner and the petitioner does not deserve the concession of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the Court record carefully.

5. In the present case, it has been alleged that an online fraud with the complainant was committed by the certain persons; however, the said amount has already been handed over to the complainant, through the process of the Court. Even the petitioner is a first offender and in the considered opinion of the Court, his custodial interrogation would be not required, at this stage.

6. The present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 438 (2) of the Cr.P.C . It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438 (2) of the Cr. P.C.

05.04.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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