



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

1. CRM-M-25668-2024
Date of decision: May 29th, 2024
Parvesh JoshiPetitioner

Versus
State of HaryanaRespondent

2. CRM-M-27304-2024
Mohit JoshiPetitioner

Versus
State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.P.S. Ghuman and Mr. Shivraj Daumajra, Advocates
for the petitioners.

Mr. Rajesh Gaur, Additional Advocate General, Haryana
and Ms. Deepshikha Chauhan, A.A.G., Haryana.

MANJARI NEHRU KAUL, J.

This order shall dispose of the above-mentioned petitions
filed under Section 438 of the Code of Criminal Procedure, 1973, for
grant of anticipatory bail to the petitioners, as they arise out of same
FIR i.e. FIR No.29 dated 10.08.2023 under Sections 420 and 109 of the
IPC registered at Police Station Cyber Crime, Rohtak.

2. Reply by way of affidavit of Additional Superintendent of
Police, Rohtak, has been filed in Court, which is taken on record
subject to just exceptions.

3. Learned counsel for the petitioners contends that the
petitioners were not named in the FIR in question, which has been

annexed as Annexure P-1, nor was any role attributed to them in the alleged online fraud, which was committed by opening fraudulent bank accounts in YES Bank. The petitioners came to be nominated as accused in a disclosure statement allegedly suffered by co-accused Saurav. Learned counsel submits that the disclosure statement on the basis of which the petitioners have been arraigned as accused has very poor evidentiary value. It has also been submitted that not even a single penny was transferred into their accounts, and had instead been transferred into ten different accounts, with which the petitioners had no concern. Learned counsel has thus, prayed for extending the concession of anticipatory bail to the petitioners as their custodial interrogation would not be required.

4. *Per contra*, learned State counsel, on instructions from ASI Sandeep Kumar, has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted by the learned State counsel that no doubt, the petitioners were not named in the FIR, however, during investigation, it came to light that ₹3,84,000/- had been transferred from the account of the complainant to one M/s Sai Enterprises, of which one Jatin Attri, was the proprietor. Said Jatin Attri disclosed that his cousin, Saurav, has misled him into opening the account. During the course of investigation, co-accused Saurav disclosed that he along with his friends i.e. the petitioners, had not only opened the account in YES Bank but had also obtained a SIM card in the name of Jatin Attri and then sent the details of that account to the complainant. It has been asserted that from the call records of co-accused Saurav, it came to the fore that he as well as the petitioners and other co-accused had been in regular touch with each other.

Learned State counsel has submitted that the custodial interrogation of the petitioners is required to unearth the entire *modus operandi* of all the accused in the present case as they are involved in cyber crime which is playing havoc with people these days.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. *Prime facie*, there are very serious allegations against the petitioners, who in connivance with the co-accused, allegedly defrauded the complainant of more than ₹11,21,600/- by luring him into transferring money into certain bank accounts on an assurance that the said amounts would be returned to him in due course of time. Thus, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioners.

7. The instant petitions, therefore, stand dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 29th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No