2024:PHHC:085860

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

**CRM-M-30008-2024**
Date of Decision:- 10.07.2024

**SANSKAR MEHTA** ....Petitioner

Vs.

**STATE OF HARYANA** ...Respondent

**CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Deepak Sharma, Advocate for Mr. Naveen Siwach, Advocate for the petitioner

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

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**AMARJOT BHATTI, J.**

1. Petitioner has filed instant petition under Section 438 Cr.P.C. for grant of anticipatory bail to petitioner in FIR No.60 dated 30.03.2024 under Sections 420 IPC (Section 467, 468, 471 and 120-B IPC and Section 66-D Information Technology Act added later-on during investigation) registered at Police Station Cyber Manesar, Gurugram, District Gurugram.

2. Facts of the case are that complainant Pragya Jyoti filed written complaint that she received IVR call from 81923-72355 informing that her fedex courier was delivered on 22.03.2024. Even earlier she had received two calls but she ignored it. However, on that day she followed call instructions and customer representative informed that her adhaar

card and phone number have been stolen by some fraud persons and the cargo contains illegal items i.e. MDMA drugs, laptop, 3 passports, 5 kg fabric and confirmed the name of courier address Mohd. Islam from Mumbai to Iran. In-fact, she had not booked any courier. She was instructed to lodge a complaint with Mumbai Cyber Branch. She was given one FIR number. She was told that she was to get PCC (Police Clearance Certificate) otherwise she will face serious consequences. Her call was sent to Mumbai Police Cyber Cell and some senior person enquired from her by calling her through Skype. She was told that for PCC she need to check her bank account and they asked to delete her g-mail on screen sharing and to send Rs.20 lakhs through RTGS. Before the transaction could complete, the account was freezed. In this way, tried to cheat complainant. With these allegations, present FIR has been registered.

3. Learned counsel for the petitioner argued that he is not named in the FIR. Call was received from some unknown number via IVR. There is delay in lodging the report. The name of petitioner and other persons cropped up during investigation, out of them Mohit, Mahavir Choudhary and Sanjay Chauhan have been granted regular bail. No amount was received in his account. He is not connected with this case, however, ready to join the investigation. It was submitted that his anticipatory bail application may be allowed.

4. Bail application is opposed by learned counsel representing the State. Detailed status report has been filed. Present petitioner along with others were found committing fraudulent activity in various telegram app. groups. Their disclosure statements were recorded. Mobile phones were

recovered which were taken into police possession. Challan against the accused who are already arrested is presented before Judicial Magistrate 1st Class, Gurugram in which chargesheet is yet to be framed. Present petitioner is the main perpetrator of the crime who is yet to join the investigation. The matter requires thorough investigation. Therefore, he is not entitled to be released on anticipatory bail.

5. I have considered the arguments. FIR is registered on the statement of complainant Pragya Jyoti who was being cheated for a huge amount of Rs.20 lakhs but due to timely action the account was freezed and the amount was not transferred. Name of present petitioner and other accused came into light during investigation. Regular bail granted to co-accused will not help the case of present petitioner as he is yet to join the investigation.

6. Considering the gravity of offence and the manner in which it has been committed, I do not find a fit case for grant of anticipatory bail and the same is, accordingly, declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

**(AMARJOT BHATTI)**
**JUDGE**

**10.07.2024**
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Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No