



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-36084-2024

Date of decision: 08.08.2024

Bablu Vishkarma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bikramaditya Kumar, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0035 dated 05.03.2023 under Sections 419, 420, 120-B of the Indian Penal Code, 1860 and Section 66D of the I.T. Act registered at Police Station Cyber Crime, District Gurugram.

2. On being put to the notice, learned State counsel has filed reply by way of affidavit of Priyanshu Dewan, HPS, Assistant Commissioner of Police, Cyber, Gurugram in the Court today, which is taken on record subject all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned State counsel, at the outset, has prayed for dismissal of the instant petition as the custodial interrogation of the petitioner is required in the present case. While drawing the attention of this Court to the FIR which has been annexed as Annexure P-1 as well



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as the affidavit filed, learned State counsel has submitted that during investigation it came to light that three fraudulent transactions totalling approximately Rs.8.5 lakhs were carried out on 04.03.2023 between 02:30 P.M. and 04:00 P.M. under the guise of an electricity bill payment. These transactions were executed through two phone calls made from two different mobile phones associated with a person named Rahul. It was further revealed during investigation that the complainant had been defrauded of the aforementioned amount, which was disbursed across nine different bank accounts. The police thereafter swung into action leading to the arrest of one Pradeep Kumar, whose name was linked to one of these accounts; disclosure statement of Pradeep Kumar led to the identification of another accused, Dharmender Singh; during interrogation of Dharmender Singh name and role of the present petitioner was uncovered. It also came to light during investigation that one person by the name of Keshu Kumar had opened an account with the HDFC Bank and thereafter handed it over to the petitioner. It has been asserted by the learned State counsel that the petitioner is the likely mastermind behind the entire online racket and there is every possibility that the tentacles of this racket may be spreading across the length and breadth of the country.

4. It has also been brought to the notice of this Court by the learned State counsel that the petitioner has been evading the process of law and as such proceedings under Section 82 of the Cr.P.C. have been initiated against him.

5. Learned counsel for the petitioner has, however,

controverted the instructions received by the State and the averments made in the affidavit filed today, by submitting that the petitioner is an impoverished man and it cannot be believed that he could have committed an offence of this nature. It has also been submitted that there are no direct bank transactions between the complainant and the petitioner or even for that matter with the co-accused on whose disclosure statement the petitioner came to be nominated as an accused.

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

7. Prima facie, there are serious allegations against the petitioner of having cheated the complainant of an amount of Rs.8.5 lakhs in connivance with the co-accused; the petitioner has been evading the process of law and proceedings under Section 82 of the Cr.P.C. already stand initiated against him.

8. In the facts and circumstances as enumerated hereinabove, this Court concurs with the prayer made by learned State counsel that the custodial interrogation of the petitioner is required.

9. Accordingly, the instant petition is hereby dismissed.

10. 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.

08.08.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No