214

2024:PHHC:156291

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44373-2024
DECIDED ON: 19.09.2024

VIJAY MEGHWAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Alok Singh, Advocate,
Mr. Sandeep Kr. Singh, Advocate
Mr. Ajit Singh, Advocate and
Mr. Manjeet, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in FIR No.0056, dated 22.05.2024, under Sections 420, 120-B IPC and Section 66-D of Information Technology Act, 2000, registered at Police Station Sarabha Nagar, District Ludhiana, Punjab.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

> *"Regarding cheating by creating groups through online telegram. Sir, I am a doctor by profession and working in a government hospital at Bathinda. My mobile number is 8283961936 but the telegram account is running. But I*

> *am often chatting. She visited her relatives at Agar Nagar, Ludhiana on 21-05-2024. But a message from a woman named Sanvi came on my telegram, on which we started chatting. According to the chat of Sanvi and Ananya, before 21-05-2024, in the various accounts mentioned by them, about 80 lakh rupees in SBI Account No. 0038573254349 and PNB Bank Account No. 0038573254349 and PNB Bank Account No. 07302191021691 on different dates of which the bank statement is attached. On 21-05-2024 I asked Sanvi to refund my payment, she told me that you should deposit 60 lakh rupees more to withdraw the previous amount, we will refund your entire amount immediately. I got into their talk and 56 lakh 60 thousand rupees from my accounts and their R.B.L. Bank, Branch Tank Road, Jaipur which is account number 409002268669 in the name of Vijay Medical General Store whose IFC Code RATND is 0000367 and asked to refund my full amount, who again asked me to transfer another 40 lakh rupees so that you can be our VIP. You will come to level 3 and will be able to take your entire payment. On which I got suspicious and did not transfer any more amount and kept asking to refund my full amount. But they did not refund my money. Sanvi and Ananya fraudulently transferred about 01 crore 40 lakh rupees to different accounts on different dates through Telegram chatting with the hope of giving me more profit and now they are not returning the amount I have given."*

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the allegations against the present petitioner is that his bank account was used in receiving the money. He further contends that the petitioner is a man of clean antecedents as he is not involved in any other case and has not played any active role in the commissioning of the alleged offence.

On behalf of the State

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He seeks dismissal of the instant petition on the ground that the petitioner was actively involved in the commissioning of the alleged offence as the alleged money was received in the account of the present petitioner.

4. **Analysis**

Be that as it may, considering the fact that online scams are on the rise in our country with the scammers finding new ways to dupe the people loosing their significant amount to fraudsters on the pretext of high return investment which is neither returned nor doubled, needs to be curbed and this Court being the guardian of the citizens of its country has the first duty to punish these type of offenders.

Present case being one of those cases wherein the petitioner along with other co-accused is involved in online scams with the allegation of receiving the alleged amount directly into his account makes out a clear case of cheating and dishonest intention from the very beginning of the transaction and the fact that the petitioner has suffered only custody period of 03 months and 20 days does not convince this Court to let him out on regular bail at this stage.

Hence, the present petition is accordingly dismissed.

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

(SANDEEP MOUDGIL)
19.09.2024 **JUDGE**

Poonam Negi

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*