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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50925-2024
Date of Decision:- 13.12.2024

AMAR KUMAR GIRI ....Petitioner

Vs.

STATE OF HARYANA ...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Alka Sharma, Advocate for petitioner.
(Through V.C.)

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner Amar Kumar Giri has filed petition under Section 482 BNSS for grant of anticipatory bail in FIR No.31 dated 01.05.2024 under Sections 406, 420, 467, 120-B of IPC registered at Police Station Cyber Crime, Sector-12, Panchkula (Annexure P-1).

2. Facts of the case are that written complaint was received from Rakesh Kumar Bansal who was joined in investigation and his statement was recorded. He stated that he is a retired person from Electricity Board. On 23.03.2024 he joined whatsapp group of 80 persons. He was watching YouTube when he came across one advertisement of ICICI Ambani Shares. Thereafter, he started investing money from his account. Complainant has given detail of the amount which was invested from time to time. In this way, he was duped by said person and invested Rs.1.88 crores in shares and IPOs.

Later-on, he made request for withdrawal which was rejected. In this way, he was cheated and filed complaint on Cyber portal.

3. Learned counsel for petitioner argued that he is being falsely implicated in this case. In-fact, he is already a victim of Cyber crime. He has no role to play regarding investment of money by the complainant. He is not even named by the complainant. Police is not arresting person who are actually involved in this crime. Facts of the case were not properly appreciated and his anticipatory bail was wrongly rejected. He is ready to join the investigation. Therefore, his anticipatory bail may be allowed.

4. Status report is filed. Bail application is opposed by learned counsel representing State. It is pointed out that after registration of FIR investigation was carried out. In the status report, there is reference of investigation carried out by the police from time to time and the persons who were joined in the investigation to complete the chain of events. It is pointed out that after scrutiny of relevant documents, it was found that there were several transactions which took place in layers. Present petitioner received huge amounts in SBI Bank, Canara Bank and Airtel without any explanation how these amounts belong to him. Investigation is still under progress and the custodial interrogation of present petitioner is required.

5. I have considered the arguments and have gone through the record. Facts of the case indicate that how the complainant was allured to invest the huge amounts from time to time on the pretext of earning profits and when the complainant wanted to withdraw money, the request was rejected. On this, complaint was filed and the matter was investigated by the

Cyber Crime, Panchkula. As referred above, in the status report investigation was carried out from different persons involved in chain of events. As per the status report, present petitioner is also actively involved in the crime who is required to join the investigation. Considering the allegations and the manner in which offence has been added, in my opinion, custodial interrogation is required to find out the truth as well as the other persons involved in the crime. Therefore, finding no merits, anticipatory bail filed by the petitioner is declined.

6. Pending application (s) if any also stands disposed of.

(AMARJOT BHATTI)
JUDGE

13.12.2024
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Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No