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

**CRM-M-51660-2024
Date of Decision: 23.10.2024**

VIVEK KUMAR YADAV ...Petitioner(s)

Vs.

STATE OF HARYANA AND ANR ...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. Jagvinder Singh Santwal, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

Mr. Dinesh Kumar Goyal, Complainant in person.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to the petitioner in case FIR No.62 dated 18.05.2023, under Section(s) 420 of the Code of Criminal Procedure and Section 66D of Information Technology (Amendment) Act 2008, registered at Police Station Cyber West, Gurugram, District Gurugram, Haryana (Anneuxre P-1).

2. At the very outset, learned counsel for the petitioner submits that without prejudice to his right to raise his defence before the trial Court and without admitting the guilt, the petitioner is ready to deposit a sum of Rs. 5,40,000/- with the trial Court subject to outcome of the trial. Learned counsel contends that in the present case, the petitioner had gone for business trip to Dubai and after his return, when he checked his E-mail ID, he found that certain suspicious transactions had taken place in the current bank account of the

company of the petitioner. The petitioner has also registered a complaint with the Cyber Cell, however he was suggested to make a complaint firstly to the concerned bank. Learned counsel further contends that even the petitioner had submitted a written complaint to the local police i.e. Police Station Sagarpur, Delhi, which was duly acknowledged on 25.04.2023. He further contends that as per the knowledge of the petitioner, the alleged fraudulent transactions had taken place between 03.04.2023 to 04.04.2024 and during the said interval, the petitioner was out of country. Learned counsel further contends that even though two more FIRs were ordered to be registered against him, but the petitioner is already on bail in the said two cases.

3. On the other hand, learned State counsel assisted by the complainant in person have vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner had cheated the complainant to the tune of Rs.5,40,000/-.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, apparently the case is based on documentary evidence and some of the evidence has already been collected by the police during the course of investigation. Even it has been alleged that an amount of Rs.5,40,000/- was deposited in the account of the petitioner and the petitioner has already agreed to deposit the amount of Rs.5,40,000/- with the trial Court, subject to outcome of the trial.

6. Consequently, without commenting on the merits of the case, the present petition is allowed.

7. The petitioner is directed to deposit a sum of Rs.5,40,000/- with the trial Court/Duty Magistrate/Area Magistrate within a period of three weeks

from today. The concerned Court is directed to deposit the said amount in a fixed deposit in some nationalized bank, fetching maximum rate of interest, subject to outcome of the trial.

8. In case the amount of Rs.5,40,000/- is not deposited by the present petitioner, the present petition shall be deemed to be dismissed without any reference to this Court. It is further clarified no extension of time shall be granted to the present petitioner.

23.10.2024 **(N.S.SHEKHAWAT)**
M.Sikka **JUDGE**

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