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

CRM-M-12105-2025
Date of Decision: 10.03.2025

Sukha Ram …Petitioner

vs.

Union Territory, Chandigarh …Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Pawan Attri, Advocate,for the petitioner.
Mr. Manish Bansal, Public Prosecutor, U.T. Chandigarh.

***

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.0107 dated 27.10.2024 registered under Sections 319(2), 318(4), 338, 336(3), 340(2), 61(2) of BNS, at Police Station Cyber Crime, Chandigarh.

2. The FIR in the present case was registered on the basis of the statement made by Pooja Verma d/o Ram Avadh Verma and the same has been reproduced below:-

> *"To, SHO, Police Station Cyber Crime, Sector 17, Chandigarh, Sir, It is requested that on 17.08.2024 at 8.00 p.m., I received a call on 8199948429 or 9528477629, Is Ram Avadh's daughter talking. I said, yes sir, he said, your father gave me your number, I had to give him Rs.13000/-. I said, you scan that same thing, he said the scanner here is faulty, then he first sent me a text message of Rs.10,000/- then instead of 3, he did 30, saying it was done by mistake. The, he said, I have to go to the hospital. Please pay the money quickly. I did not pay attention to the text message, thinking it to be a custom, then I first paid Rs.2,000/- and then Rs.25000/- on google pay. Even after that, they kept on calling*

and messaging me asking me to send the money, I want to go to the hospital, legal action should be taken against them and my money back be restored. Thank you Sd/- Pooja Verma."

3. Learned counsel for the petitioner contends that from the bare perusal of the FIR, it is evident that the petitioner has neither named in the FIR nor had any concern with the allegations levelled by the complainant. In fact, the petitioner himself is a victim of fraud and cheating as one Arjun s/o Kharati, resident of village Kalesar, District Kaithal, cousin of the petitioner had taken his documents after opening a bank account in Axis Bank, Pehowa, District Kurukshetra. He further contends that the petitioner is himself very poor person and belongs to a below poverty line family. Learned counsel further contends that no doubt, the Axis Bank account, in which the amount was allegedly transferred by the complainant is in the name of the petitioner, but the mobile number, which was connected with the account in question, did not belong to the petitioner and thus, the amount was collected by a group of fraudsters and the petitioner has been falsely involved in the present case.

4. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Cyber Crime has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel submits that in fact, Dev Chugh, the main accused was arrested in the present case and he disclosed that 60/70 bank account details were provided by Sahil, Vishal and Bindu, residents of District Kaithal and a sum of Rs.2,000/- and Rs.3,000/- were given to every account holder. Even, the petitioner had provided a Bank account details to the main accused in the present case, so that various amounts of fraud may be transferred in the Bank account and the same may be

withdrawn by the co-accused. Still further, even during the course of investigation, it was found that the account No.924010028431497 of the petitioner in Axis Bank was used in committing the crime and an amount of Rs.27,000/- was transferred in the said account by the victims. Thus, the custodial interrogation of the petitioner may be required and the petition deserves to be dismissed by this Court.

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

6. No doubt, the petitioner was not initially named in the FIR and no role was assigned to him, however, during the course of investigation, Dev Chugh, the principal accused was arrested by the police and he disclosed that the petitioner had handed over the details of his bank accounts, which was used in committing the online frauds. Even an amount of Rs.27,000/- was transferred in the Bank account of the present petitioner. Further, the petitioner was called to join the investigation, by issuing a notice under Section 35(3)(1) of BNSS, however, he did not join the investigation. Even, it is apparent from the record that the ATM Card, Cheque Book of the petitioner are yet to be recovered from him. Further, even the detailed interrogation of the petitioner is required to know the names of the associates of the petitioner and to learn more about the *modus operandi* of the accused in the present case. Thus, the petitioner is not entitled to get the relief of anticipatory bail and the present petition is ordered to be dismissed.

(N.S.SHEKHAWAT)
JUDGE

10.03.2025
hemlata

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