

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

(Heard through VC)

CRM-M-21614 of 2021 (O&M)
Date of Decision: May 31, 2021

Rupesh Kumar Jain

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Prashant Mahajan, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.236 dated 16.09.2020, registered under Sections 420, 406 of Indian Penal Code and Section 66-D of Information Technology Act at Police Station Kotwali, Patiala.

2. Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as he has not been named in the FIR. It is argued that the allegations of inducement and cheating are against one Sanjay Mehta. It is submitted that the petitioner has been nominated as an accused only on the basis of disclosure statement

suffered by one Gaurav Jain. It is also contended that there is no evidence collected during the course of investigation against the petitioner.

3. Notice of motion.

4. At this stage, Mr. Bhupender Beniwal, AAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State. He opposes the grant of anticipatory bail to the petitioner, while contending that the complainant herein has been duped for ₹ 32.50 lacs, while promising that the accused persons will provide bullion licence to him. The petitioner herein is the person, who impersonated himself as Vishal Sharma, as mentioned in the FIR.

5. I have heard counsel for the parties and have gone through the pleadings of the case.

6. As per the FIR, the complainant has been duped to the tune of ₹ 32.50 lacs on the pretext of providing bullion licence. The petitioner herein is the person, who has collected the amount of ₹ 32.50 lacs from the complainant, while impersonating himself as Vishal Sharma. The petitioner herein is one of the main persons involved in the conspiracy. As noted by the learned Addl. Sessions Judge, Patiala, as per the statement suffered by co-accused Gaurav Jain, a sum of ₹ 15 lac has come to the share of the petitioner herein. The recovery of the said amount is yet to be effected from the petitioner for which his custodial interrogation is required. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

7. In view of the above, the instant petition is hereby dismissed.

(JAISHREE THAKUR)

May 31, 2021

JUDGE

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No