

(2023) 02 SHI CK 0049

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 434 Of 2023

Deepak Singh

APPELLANT

Vs

State Of H.P

RESPONDENT

Date of Decision : 28-02-2023

Acts Referred:

Indian Penal Code, 1860 — Section 420, 506

Citation : (2023) 02 SHI CK 0049

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : J.P.Sharma, Seema Sharma, Vijay Kumar

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. FIR No. 169 of 2022 dated 18.10.2022, has been registered under Sections 420 and 506 of Indian Penal Code at Police Station Amb, District Una, H.P. The prayer of the petitioner is for grant of bail to him in this FIR.

2. Status report and record produced by the respondent show that the FIR was registered on the basis of a complaint preferred by one Shivani Sharma on 10.10.2022. She had leveled allegations of having been duped of Rs.9,55,000/- approximately. The complainant stated that she transferred the money from her bank accounts to different accounts after receiving separate phone calls from different numbers during the months of August and September, 2022. It turned out that all the demands and phone calls were fictitiously made and she was duped of her money. On the basis of these allegations, the FIR was registered against the petitioner on 18.10.2022.

3. Status report records that on investigation carried out in the matter, it was revealed that the petitioner was only an employee of the service provider company. He was given a separate ID number by the company. The petitioner became sick in August, 2022 and remained hospitalized. Being unable to work,

he passed on his ID to one Litan Dass. In order to complete the work assigned to him, the petitioner made said Litan Dass as his agent. Litan Dass used this ID and issued various SIM numbers to several individuals. On receiving the calls made from these SIM numbers, the complainant parted with her money and transferred the same to different bank account numbers as directed on phone.

4. The petitioner has placed on record the documents pertaining to his illness and treatment during the month of August, 2022. This fact has not even been disputed by the respondent in the status report. The respondent is statedly still investigating the matter for identifying the holders of bank account numbers to whom the money was transferred by the complainant as well as for identifying the holders of different SIM cards. In so far as the petitioner is concerned, the status report records that his role is limited, inasmuch as he had parted his employer ID and given it to one Litan Dass by making the latter as his agent. Learned Deputy Advocate General states that the petitioner has joined the investigation and is co- operating with the investigating agency. The status report does not insist upon the custodial interrogation of the petitioner. Taking into consideration the role of assigned to the petitioner in the FIR, the allegations levelled against the petitioner and the fact that the petitioner has joined the investigation and is co-operating with the investigating agency, the petitioner has made out a case for confirmation of interim protection. Accordingly, the present petition is allowed. The interim bail granted to the petitioner vide order dated 21.02.2023 is made absolute subject to following conditions: -

(i). The petitioner shall join and cooperate the investigation of the case as and when called for by the Investigating Officer in accordance with law.

(ii). The petitioner shall not tamper with the evidence or hamper the investigation in any manner whatsoever.

(iii). The petitioner will not leave India without prior permission of the Court.

(iv). The petitioner shall not make any inducement, threat or promise, directly or indirectly, to the Investigating Officer or any person acquainted with the facts of the case to dissuade him/her from disclosing such facts to the Court or any Police Officer.

(v) The petitioner shall not contact, threaten or intimidate the victim/ complainant and their family members in any manner whatsoever.

(vi). In case the petitioner is put to trial, then he shall attend the trial on every hearing, unless exempted in accordance with law.

(vii). Petitioner shall inform the Station House Officer of the concerned police station about his place of residence during bail and trial. Any change in the same shall also be communicated within two weeks thereafter. Petitioner shall furnish details of his Aadhar Card, Telephone Number, E-mail, PAN Card, Bank Account Number, if any.

In case of violation of any of the terms & conditions of the bail, respondent-State shall be at liberty to move appropriate application for cancellation of the bail. It is made clear that observations made above are only for the purpose of adjudication of instant bail petition and shall not be construed as an opinion on the merits of the matter. Learned Trial Court shall decide the matter without being influenced by any of the observations made hereinabove.

With the aforesaid observations, the present petition stands disposed of, so also the pending miscellaneous application(s), if any.