

# Haresh Kumar Choudhary vs State Nct Of Delhi on 28 September, 2022

**Author: Anoop Kumar Mendiratta**

**Bench: Anoop Kumar Mendiratta**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLN. 2948/2022

HARESH KUMAR CHOUDHARY

..... Petitioner

Through: Mr.Aditya Kumar Choudhary

Mr.Gurmehar Vaan Singh and

Mr.Mrigauk Bhardwaj, Advocates.

versus

STATE NCT OF DELHI

.....

Through:

Mr. Aman Usman, APP fo

Inspector Satish Rana

Governor Singh, PS: ER

Branch, Delhi.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% 28.09.2022 Exemption allowed, subject to just exceptions and filing of certified copies on record.

Application stands disposed of.

1. An application has been preferred on behalf of the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.149/2022, under Sections 419/420/468/471/120B/34 IPC registered at Police Station: Crime Branch, Delhi.

2. Issue notice. Learned APP for the State appears on advance notice served upon the State and accepts notice.

3. Status report/reply be filed within four weeks within an advance copy to the learned counsel for the petitioner.

4. In brief, as per the case of the prosecution, as referred in the status report filed before the learned Trial Court, a secret information was received that a person named Lucky is cheating/defrauding innocent people in Delhi and other parts of the country. Further, fake accounts were opened by him through his associates in which money was deposited and withdrawn regularly. Fictitious SIM cards are also stated to have been used by Lucky to make calls to the target/defraud citizens.

The details of targets are alleged to have been taken from Haresh (petitioner), working in Just Dial. The aforesaid information was shared by the police with senior officer and Lucky was apprehended. Lucky disclosed that a fake call centre was being run from his flat. Recoveries were further made at his instance. The victims were thereafter telephonically informed about cheating in the name of providing a loan.

5. It is further the case of the prosecution that Lucky disclosed the fact that fictitious bank accounts, fake SIM cards and data of loan seekers were arranged through Haresh (petitioner) and Vikesh.

During the course of interrogation, Lucky further disclosed the name of co-accused Deepak Mishra, who was his associate in defrauding citizens. Consequently, Deepak Mishra @ Roshan Tripathi and his other associates namely Rajnish, Atul Kumar and Bhupender were also arrested at the instance of Lucky.

It was further revealed that petitioner, Haresh has arranged/sold data of loan seekers to co-accused Lucky and Deepak Mishra through co-accused, Mintu further arranged bank accounts for the accused person.

The mobile connectivity of accused Haresh is also stated to be with the accused Lucky, Deepak Mishra and Mintu. Whatsapp data relating to Just Dial customers is also stated to have been recovered from co-accused Mintu's mobile phone, which was sent by Haresh Kumar.

6. Learned counsel for the petitioner submits that petitioner is an M.B.A. and had been selected in Just Dial as a Relationship Manager. He further, submits that Just Dial is engaged in supplying the data to the customers on demand. It is also submitted that during the course of his duties, as and when a call is received for sharing of data, the data in respect of the potential customers is supplied, as per the package rate of company.

It is further urged that petitioner is in no manner connected with alleged fraud, if any, committed with the concerned customers.

7. Learned APP for the State opposes the application and submits that data was not provided to the co-accused on behalf of the company (Just Dial) but in personal capacity by petitioner against payment. Further, the amount received by the petitioner was not credited in the account of the company.

8. It may be noticed that the petitioner does not have any past involvement. The data is alleged to have been shared by him unauthorizedly instead of sharing through the company. However, it cannot be ignored that the data could have been shared, as claimed by the learned counsel for the petitioner, on behalf of the company as per package rates. The complaint has not been made by Just Dial regarding unauthorized or illegal sharing of data by petitioner.

Information, if any, can be duly collected after the petitioner joins the investigation.

Considering the facts and circumstances, no coercive action shall be taken against the petitioner till the next date of hearing, subject to his joining the investigation as and when directed by the Investigating Officer.

List on 24.11.2022.

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 28, 2022/R