



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. CRM-M No.31721 of 2024
Date of decision: August 6th, 2024
Devra Grivin Dilipbhai Petitioner
Versus
State of Punjab and another Respondents

2. CRM-M No.31995 of 2024
Chopda Bhojubhai Bhurabhai Petitioner
Versus
State of Punjab and another Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arshvir Singh Sandhu, Advocate
for the petitioners.
Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above-mentioned petitions filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail to the petitioners, as they arise out of same FIR i.e. FIR No.25 dated 07.08.2023 under Sections 420, 383, 384, 466, 468, 470, 471, 506, 120-B, 201 of the IPC and Sections 66C and 66D of the I.T. Act, 2000, registered at Police Station Cyber Crime, Phase 4, Mohali.

2. Mr. Praagbir Singh Dhindsa, Advocate, has entered appearance on behalf of the complainant and filed his power of attorney, which is taken on record.

3. Learned counsel for the petitioners at the outset submits that though the investigation in the present case is complete and even charges framed, however, subsequent to the registration of the FIR in question the parties have amicably resolved their disputes, as a result of which the parties would be approaching this Court under Section 528 of the BNSS for quashing of the FIR in question on the basis of compromise.

4. In addition, it has been submitted that the petitioners have no criminal antecedents and have been in custody since 14.08.2023 and 02.09.2023 and hence, in the aforementioned facts and circumstances, further incarceration of the petitioners would serve no useful purpose.

5. *Per contra*, learned State counsel, on instructions from Inspector Gaganpreet Singh, has opposed the prayer and submissions made by the counsel opposite in view of the following allegations levelled in the FIR:-

“A complaint UID no. 2402152, date 07-08-2023 from sonia ghuman d/o ajit singh r/o #695, phase 2, mohali- 160055, mobile number 9888272255 has been received in PS state cyber-crime, phase 4, S.A.S Nagar docsonia01@gmail.com. complaint are, through email The contents id the of "email fwd: cyber frcyber /financial fraud to the tune 63 laks over 4 - and 5th aug 2023 Mon, Aug 07, 2023 08:53 am from: docsonia01@gmail.com subject: fwd.: cyber frcyber/financial fraud to the tune 63 laks over 4 and 5th aug 2023 to: sho cyber <shocc@punjabpolice.gov.in> subject: cyber frcyber/financial fraud to the tune-63, laks over 4 and 5th aug2 023 <shocc@punjabpolice.gov.in> attention-to: inspector shri gaganpreet singh sho ps-state cyber crime. sir, i, dr sonia ghuman, would like to report cyber finacial fraud of: nearly 63 lakh which took place with me over the last 3 days 4.5.6 august. which started with the unknown call received regarding misuse of my 12 digit aadhar card /my name sonia ghuman as an rtgs of 56, 64,969 from my hdfc account which took place on 4th Aug and another rtgs of 5, 17 lakh which took place on 5th Aug 2023 from my icici bank sir, I humbly request your kind self to register complaint/fir. on the above matter. sir, I would like to narrate the sequence of events that took place wef 3rd aug 5th august on 3rd aug, while returning from office, I got a call on my mobile from any unknown number (+919813072869). the conversation went as follows the caller identified himself as Mr Arnav Sinha from fedex courier services stating his employee id wasfdx632a59. he

mentioned my full name and full aadhar number stating that you have sent a courier from mumbia to taiwan to a person by the name of zhang lin whose address and phone no he also confirmed, identifying the parcel contents as- 1-3passports 2-4 atm cards 3-150 g of mdma (illegal drug) 4-2 kg cloth 5-laptop pair of shoes. i vehemently denied sending any such courier also stating that i was a resident of mohali, punjab and had no link whatsoever in mumbai or the person in question ifs further he stated that since the parcel contained illegal documents and banned drugs, they were stopped at the mumbai airport by officer with identity-2289321291. adding that since it contained illegal drugs, you need to lodge a complaint with the mumbai narcotics division regarding misuse of your aadhar card and transferred my call to narcotics division mumbai where the person identified himself as a senior official of the narcotics division mumbai. this officer threatened me that you have committed a heinous crime by sending a courier of illegal/banned drugs. i, again vehemently denied the statement but he refused to agree stating that since your name and aadhar number were mentioned on it, you are party to the crime and you have to keep this information very secretive from anyone including your family members/police or anyone else they will also be considered implicated into the crime and you have to fully co-operate with the investigation or else the punishment for it is almost 10 years of imprisonment. adding that the local police had also been informed and that you have to stay in quarantine till the matter was resolved and your name was out of the investigation and that you phone has been put on tap. he added that to maintain confidentiality, all further communication will be on the app-skype and made a fake id of mumbai narcotics division (skype id-liv: f956b6bbac3ed9b5) and reserve bank of India, (liv ctrl id: Ive: cid98634cdcde426c62) also informing that now you were on continuous audio and video surveillance. your aadhar is being misused by one big criminal by the name of Mr Nawab Islam Malik who has about 8.5 million dollar black money although in custody, his agents are active in converting his black money to white through about 300 bank accounts and that you're a adhaar and name is also linked to 3 of his bank accounts. The so- called officer of Mumbai narcotics division made me accept a seemingly legal document of secrecy and the RBI made me accept an agreement that of all your funds will be verified by RBI and if found correct will be returned back to your personal accounts verification of within few days after authenticity. both the agreements are on skype chat on the 4th of Aug, I transferred a fund amount of 56,94,969 from my HDFC bank of which I have documented details. On 5th of Aug, I transferred a fund amount of 5 lakh 17 thousand from my ICICI account which was a joint account with my mother and contained her funds only. the first transfer from my hdfc account no- 183441930001351-was made in the icici account no-058405504346 ifsc code- 1616001028 the name of nk international the second transfer from joint icici bank account no-15201000623- ifsc code-icic003407- vide cheque no 17250 to the icic account in the name of astar bharat bats. icici account 018805500905. another transfer he wanted through my hdfs account of 8.5 lakhs from the same hdfc account as mentioned above to the a/c no 1614102100000536 ifsc punb0436400 in the name of Amit trading. He was in a great hurry that the transfer should take place immediately when I told them that the employees are on lunch break and

would do it asap after their lunch I came home and then became suspicious of some fraud happening with me and disclosed the matter to my family members who immediately identified it as fraud and it was the sat afternoon when we reported the matter to cyber-crime cell, Mohali phase 4, I asked the bank manager of hdfc branch. to immediately stop the transfer of rtgs made of 8.5 lakhs which was stopped by her as it had not gone through the complaint was immediately registered on the online portal of cyber crime division mohali as well as your kind self- further came personally to look into the matter it is further requested to pursue the matter on a high priority basis on most urgent basis and treat it as utmost urgent asl have lost my life's savings from my extremely hard earned money I request you to take urgent and immediate needful action so that my lost amount may be recovered at the earliest. I shall be extremely grateful to you. regards, Dr Sonia Ghuman d/o Ajit Singh rtd. #695, phase-2 mohali-160055. mobile +919888272255. the complaint was marked to Si kaur 38/prt to conduct the preliminary enquiry the contents of the enquiry report are." enquiry report, uid no. 2402152, date 07-08- 2023. subject: financial fraud through phone call application received from. Sonia Ghuman d/o Ajit Singh r/o #3695, phase 2, mohali- 160055, mobile number 9888272255. name of victim of crime: Sonia Ghuman d/o Ajit Singh 1/0 %23695, phase 2, mohali- 160055, mobile number 9888272255. brief of complaint the state cyber- crime cell received the aforementioned complaint in which the complainant Sonia Ghuman alleged that she received a call from an unknown person having mobile number 9813072869 pretending himself as an employee of fedex courier company. in order to gain trust he shared complainant's details like name and aadhaar card etc. with complainant. the alleged caller also shared his employee id. wasfdx632859 with complainant. the complainant further alleged that, he asked the complainant about the parcel on the name of zhang lin from mumbai to taiwan the fraudster shared the details of the parcel and said in this parcel the 150 gm of mdma (illegal drug) has been found due to that the parcel has been stopped at mumbai airport by officer and said your call is being transferred to officer of narcotics division mumbai. the officer threatened her on call and asked her about illegal/ banned drugs courier but complainant denied. the fraudster asked the complainant to keep this conversation secretive. after that the fraudster asked the complainant to join on skype and also shared a fake id (skype id-liv: cid f956b6bbac3ed9b5 and reserve bank of india liv id: ive: cid98634cdcde426c62) to continue for video and audio surveillance and also shared the agreements of boi and mumbai cyber. in which they asked to transfer 98% from her all source of income for the rbi verification. after that the fraudster said her 3 bank accounts are linked with big criminal nawab islam malik's 300 bank accounts. then they asked to transfer 98% in shared icici account number 058405504346 on the name of mk on dated 4-8-2023 complainant transferred rs 56,94,969/- to above said account from her hdfc bank account number 183441930001351 on dated 05-08-2023 complainant transferred rs. 5,17,000/- to provided icici bank account number 018341930001351 from her joint icici bank account no. 15201000623. after that they demanded more rs. 8,50,000/-and shared a pnb bank a/c number 1614102100000536 on the name of amit trading the complainant later realized that she was duped by the person and lost total alleged amount of fraud. rs 62,11,969/- in the

Therefore, the complainant requested take necessary action. criminal to allegations in complaint sr. no.1. allegation- financial fraud through phone call, against whom- person/s, unknown section 420, 383, 384, 468, 470, 471, 466, 506, 120-b of law- IPC and 66-d, 66-c IT act details of action taken by E.O- a notice under section 91 cr.p.c was sent to the hdfc bank to provide the statement of complainant's bank account 183441930001351 (copy attached) the number a notice under section 91 cr.p.c was sent to the icici bank to provide the information of suspected bank account numbers 058405504346 and 018805500905 (copy attached). a notice under section 91 cr.p.c was sent to the PNB bank to provide the information of suspected bank account number 1614102100000536 (copy attached). a notice under section 91 er p.c was sent to concern isps to provide the caf and car of the suspected and complainant's mobile numbers 9813072869 9888272255 (copy attached). a and notice under section 91 cr.p.c was sent to whatsapp legal authorities to provide information of whatsapp number 9813072869 (copy attached) a notice under section 91 cr.p.c was sent to skype legal authorities to provide information of skype id- liv: cid.1956b6bbac3ed9b5 and reserve bank of india liv id: ive: cid98634cdcde426c62. a notice under 91 cr.p.c was sent to dtcd legal authorities to provide information of consignment number d38846875. the complainant joined the enquiry the statement of complainant is recorded (copy attached) the details obtained through above said notices is mentioned in table below- sr. no. 1., date-04-08-2023, amount- 56,94969/-, account no. /mobile no of victim- 183441930001351 (hdfc), beneficiary account no.- 058405504346 (icici), beneficiary details-n k international 1/o 247, tulsi arcade, opp atlanta, motavachha, surat, gujarat. sr.no 2. date-05-08-2023, amount- 5, 17000/-, account no./mobile no. of victim-15201000623 (icici), beneficiary account no.-018805500905 (icici), beneficiary details- star bharat bats r/o 373, d-math karangapara, po. durgapur, west bardhaman, ps cokeoven, west bengal. sr.no. 3, date-05-08-2023, amount account no/mobile no. of victim (icici), beneficiary account no.- 1614102100000536 (pnb), beneficiary details- reply awaited. sr.no.4., date-05-08-2023, amount account no./mobile no of victim (icici), beneficiary account no-9813072869, beneficiary details-prince sio rajinder rio ward no. 17, shastri colony, ambala, yamuna nagar, haryana 135133. sr.no.5, date- 04-08-2023, amount account no/mobile no. of victim (icici), beneficiary account no. skype id-liv cid f956b6bbac3ed9b5 and reserve liv id: bank of india ive: cid98634cdcde426c62., beneficiary details- reply awaited. sr.no 6, date-04-08-2023, amount account no /mobile no. of victim (icici), beneficiary no-consignment account number d38846875, beneficiary details reply awaited findings of e o. qua each allegation:-sr. no 1 allegation- financial fraud through phone call, evidence (for/against/not available) - screenshots of payments, whether allegation (for/against/not available)-bank statement suspected bank accounts. whether allegation prima facie made out (yes/no) yes., allegation- financial fraud through phone call, evidence (for/against/not available)-whatsapp. information whether allegation prima facie made out (yes/no) notice may be sent again after registration of fir. allegation- financial fraud through phone call, evidence (for/against/not available)-caf of the suspected mobile numbers whether allegation prima facie made out (yes/no) yes recommendation of e.o-1. from the contents of the complaint and the

preliminary enquiry conducted so far, prima facie offence under sections 420, 383, 384, 466, 468, 470, 471, 506, 120-b IPC and 66-c, 66-d, IT act 2000 have been made out against unknown users of bank account number 1614102100000536 of pnb, 058405504346 and 018805500905 of icici bank, unknown operator/s of mobile number 9813072869 and other unknown accomplices. therefore, it is recommended that a case fir may under sections 420, 383, 384, 466, 468, 470, 471, 506, 120-b IPC and 66-c, 66-d, act IT 2000 against aforementioned unknown persons may be registered at PS state cyber crime or the same may be sent to SSP SAS Nagar for further necessary action at their end. sd/- Rupinder kaur SI 38/prt, 07/08/2023, name of EO SI Rupinder kaur. rank/designation: sub inspector. regimental no.: 38/prt". the complaint along with enquiry report and relevant documents was sent to senior officers for approval to register fir and the same has been approved. hence a case fir under sections 420, 383, 384, 466, 468, 470, 471, 506, 120-b IPC and 66-c, 66-d, IT act 2000 against unknown users 1614102100000536 of of bank PNB, account number 058405504346 and 018805500905 of icici bank, unknown operator/s of mobile number 9813072869 and other unknown accomplices is being registered at PS state cyber crime. copies of the fir are being sent to illaga magistrate and senior officers through ct. gagandeep singh 13/636."

6. Learned counsel for the complainant has not disputed the submissions made by the counsel opposite qua the parties having resolved their disputes. Learned counsel for the complainant also does not oppose the prayer made for granting the concession of bail to the petitioners.
7. I have heard learned counsel for the parties and perused the relevant material on record.
8. In the facts and circumstances as enumerated hereinabove, the instant petitions are allowed. The petitioners be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 6th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned
Whether reportable

:
:

Yes
No