

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48154-2024
Reserved on: 06.11.2024
Pronounced on: 18.11.2024

Dhruv Mahajan ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. M.S. Saini, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Rahul Garg, Advocate,
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
67	22.04.2024	Garshankar, Distt. Hoshiarpur	419, 420, 465, 467, 471 IPC read with Section 66 (C) and 66 (D) of IT Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That present FIR No.67, dated 22.04.2024, U/s 419, 420 IPC and U/s 66(C) & 66(D) of the Information Technology Act, 2000 (Sections 465, 467, 471 IPC were added later on vide DDR No.21, dated 15.06.2024), Police Station Garhshankar, District Hoshiarpur was registered on the statement of Dr. Raghbir Singh working in Punjab State Health Department as Senior Medical officer at PHC Possi, Tehsil Garhshankar, District Hoshiarpur. That on 19.04.2024 at about 1:39 PM, Dr. Raghbir Singh received a telephonic

call from mobile No.92326-xxxxx and the person calling from said mobile number claimed himself to be Custom Officer working at IGI Airport, New Delhi and stated that there is parcel under investigation and the said parcel is booked under name of Dr. Raghbir Singh and his Aadhar Card is attached with the same. He further stated that in the said parcel there are 16 passports, 56/57 ATM cards and some quantity of drugs and for this illegal act, case has been registered against him in Basant Kunj Police Station, New Delhi. Later he transferred the call to Sunil Kumar who declared him as Head Constable of Basant Kunj Police Station, New Delhi Mobile No.84699-xxxxx and he stated that a criminal case has been registered against Dr. Raghbir Singh in Basant Kunj Police Station, New Delhi under the relevant provisions of Money Laundering Act & Human Trafficking Act and further the matter is pending before CBI for investigation and the same is under the investigation of Anil Yadav, Chief Investigator of CBI (Name & designation as disclosed by him), Mobile No.79970-xxxxx. All of them made What's App calls and threatened Dr. Raghbir Singh that the matter is pending before them and arrest warrants of complainant have been issued by the court and the Dr. Raghbir Singh/complainant will be got arrested soon in non-bailable offences. Then, they convinced Dr. Raghbir Singh to disclose the last four digits of his entire bank accounts and then, Dr. Raghbir Singh was in utter shock & surprise within some time disclosed the last four digits of all his accounts. Later on they further stated that the entire property will be seized by CBI department and he will be arrested soon, but, if Dr. Raghbir Singh transfers his all moveable assets lying in his bank accounts in that case his arrest could be delayed for sometime and the money lying in the accounts will be refunded back alongwith interest after the closure of investigation. Thereafter, they provided Dr. Raghbir Singh Accounts No.2647005500xxxxxx of Punjab National Bank, Branch Japla (IFSC Code PUNB0264700) and 000000426897xxxxx of State Bank of India, Branch Fatehabad (IFSC Code SBIN0001156) and claimed that the said accounts are associated with Reserve Bank of India and payment can be made in these accounts. Dr. Raghbir Singh was not feeling well and he was out of his mind for believing the version of the accused made the transaction of Rs.49,00,000/-, the details of which is hereunder:- 1) Payment of Rs.35,00,000/- debited from the account No.50100323xxxxxx of HDFC Bank Ltd., VPO Moranwali, Tehsil Garhshankar, District Hoshiarpur, Punjab-144527, through RTGS vide cheque No.000033, dated 20.04.2024,

bearing UTR No.HDFCR52024042099933647, in favour of account No.26470055000xxxxxx of Punjab National Bank, Branch Japla (IFSC Code PUNB0264700), Payment of Rs.2,00,000/- debited from the account No.65120100xxxxx of Bank of Baroda, Branch Garhshankar, Tehsil Garhshankar, District Hoshiarpur, Punjab, through NEFT dated 20.04.2024 bearing UTR No.BARBZ24111566315, in favour of 0000002689753719 of State Bank of India Branch Fatehabad (IFSC Code SBIN0001156), 3) Payment of Rs. 12,00,000/- debited from the account No.5010032xxxxxx of HDFC Bank Ltd., VPO Moranwali, Tehsil Garhshankar, District Hoshiarpur, Punjab-144527, through RTGS vide cheque No.000034, dated 20.04.2024, bearing UTR No.HDFCR52024042050090921, in favour of account No.264700550xxxxxx of Punjab National Bank, Branch Japla (IFSC Code No.PUNB0264700), Dr. Raghbir Singh made the abovesaid payments keeping in view that the same are made in the accounts of RBI, New Delhi, but, later in the evening on the same day, when Dr. Raghbir Singh discussed the matter with family, he, came to know that the above mentioned scammers hatched a criminal conspiracy against Dr. Raghbir Singh/ complainant and they have deceived Dr. Raghbir Singh. The scammers fraudulently & dishonestly induced Dr. Raghbir Singh to transfer the abovesaid amount in the said accounts intentionally and have caused financial & more damage to Dr. Raghbir Singh.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
5. The State's counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“ROLE OF THE PETITIONER:-

4. That during the investigation of case when money trail was followed/traced, it came to light that an amount of Rs.5 Lakh was transferred from said amount of Rs.49 Lakhs transferred by complainant by routing it through different accounts and said amount of Rs.5 Lakhs which was received in the account of petitioner on 20.04.2024 was withdrawn from said account instantaneously on 20.04.2024 itself and thus, petitioner was nominated on the basis of money trail and was

arrested on 24.04.2024, as petitioner was active number of gang involved in duping citizens through online fraud.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 5 of the bail petition, the petitioner has been in custody since 24.04.2024. As per the custody certificate dated 05.11.2024, the petitioner’s total custody in this FIR is six months and nine days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case’s merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court’s official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

18.11.2024
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.