

CRM-M-64151-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64151-2024
Reserved on: 13.01.2025
Pronounced on: 29.01.2025

Sujeet Kumar Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dilip Kumar, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

Mr. Keshav Singh, Advocate (Through VC)
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
75	19.06.2024	Cyber Crime, NIT, Faridabad	420 IPC (Section 120-B IPC added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR annexed by the petitioner in the bail petition as Annexure -P-1, which reads as follows:

“To, the Station House Officer, Police Station Cyber Crime, NIT Faridabad, Haryana. Subject:-Regarding online Cyber cheating of Rs. 17.50,000/- by a gang. Sir, it is requested that I, Arun Singh, son of late Sh. V.P. Singh, aged about 52 years, resident of H. NO. 114, Sector 46, Faridabad, Haryana and I am victim of a online cyber crime/cheating, the matter is as follows: About one month, I got information through Whatsapp regarding two Apps namely SMC and LKP, the representatives of these Apps have contacted me and told me that these Apps are providing opportunities for investment in the Block Trading and there is

CRM-M-64151-2024

possibility of earning big profit. I came into their words and initially, I had invested the amount of Rs. 10000/- in SMC App and Rs. 15000/- in LKP App and initially the profit of 25- 30% shown me on the App and told me that if I will invest more money, then I could get more profit. They told me again and again to invest the amount, therefore I got trusted and had invested the amount of Rs. 17,50,000/- to Shivangi of SMC App and to Anna for LKP App in different bank accounts, the bank statement of which is enclosed herewith.”

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 their family.

5. Petitioner’s counsel made the following legal submissions:

“A That the name of the applicant is not mention in the present FIR.

B. That the bank account number was also not in the name of the applicant which was used with the purpose to credit the defrauded amount. The same was in the name of other accused who is already in judicial custody.

C. That the mobile numbers which were used while commission of the offence, not in the name of the applicant and the same was in the name of the other accused and recovered from them.

D. That the applicant has been falsely involved in the present case on the basis of discloser statement of the accused Mukesh Yadav because the applicant has to recover Rs. 4,25,000/- from him as the applicant sold his car to the accused Mukesh Yadav. The accused Mukesh Yadav himself told about his liability in his statement but the same has not annexed by the police in his reply before this Hon'ble Court.

E. That there is no conversation took place between the accused and the applicant.

6. It would be appropriate to reproduce paras 3 to 5 of the bail petition, which reads as under:-

“3. That the petitioner has been falsely implicated in this case whereas no such offence is committed by the petitioner. The petitioner is not named in the FIR and later on he has been implicated in this case on the disclosure statement of co- accused namely Mukesh Yadav, who alleged in his statement that petitioner and another co-accused Puneet had taken his ID Card and PAN Card along with SIM to open a new bank account and told

CRM-M-64151-2024

him to give Rs. 50000/-in lieu of opening of account. But said Mukesh Yadav has not stated anything in his disclosure statement that the petitioner has committed alleged offence as mentioned in the FIR. True translation of Disclosure statement dated 27.07.2024 is annexed herewith as ANNEXURE P-2.

4. That it is pertinent to mention here that as per the disclosure statement of co-accused, he has stated that he had purchased a car from petitioner against the amount of Rs. 4.50 lacs and the amount of Rs. 4.00 lacs was to be paid by him to the petitioner. Therefore the co-accused is levelling false allegations against the petitioner just to mislead the investigating agency so that he had not to pay the said amount to the petitioner.

5. That the alleged bank account number and mobile /SIM Number is also not in the name of petitioner. The petitioner is running a readymade cloth shop and was also a part time OLA Cab driver. Moreover, no Chat took place between the complainant and petitioner. The mobile phone used in the offence was recovered from the possession of co-accused Mukesh. Therefore, the petitioner is totally innocent.”

7. The State’s counsel opposes bail and refers to the reply.

8. It would be appropriate to refer to the following portions of the reply, which read as follows:

“4. That the investigation of the present FIR was conducted by ASI Balwant Singh. The details of the bank accounts used in the present matter were obtained from the concerned banks. In the current account no. 4090022xxxxx (RBL Bank) the sim no. 98916xxxxx was registered. On technical investigation, it came forth that the sim no. 95601xxxxx was also used in the same phone and the said sim no. 95601xxxxx is in the name of Mukesh Yadav. In the said current account no. 4090022xxxxx (RBL Bank), the amount of Rs. 1,53,44,111/- was credited and out of the said amount, the amount of Rs. 7,37,000/- are of the complainant.

x x x x

8. That the role of the petitioner Sujeet Kumar Singh in the present case is that he had got opened the current account no 4090022xxxxx in RBL Bank in the name of a firm pertaining to accused Mukesh Yadav. The petitioner had prepared the documents pertaining to the said firm. On the directions of the petitioner, accused Punit Kumar had handed over the said account to accused Chandra Shekhar. The petitioner had given Rs. 50,000/- for the same to accused Punit Kumar.”

9. The investigation points out that petitioner had opened a current account in RBL

CRM-M-64151-2024

Bank and had prepared documents of the said firm. The petitioner did not explain that for what purpose and for what reason he had opened the said account. The said account becomes important because the money was transferred in the same account as mentioned in para 4 (Supra). Thus, the investigator has sufficient evidence which points towards the petitioner's complicity, therefore the petitioner is not entitled to bail.

10. The petitioner and his accomplices exploited weaknesses in the flawed bank account opening regulations by establishing firms and associations. The sly manner in which the petitioner and his accomplices conned, tricked, deceived, swindled, and defrauded the victim underscores the concerning sign that the thuggee has resurfaced; one probable cause could be the outdated and vulnerable rules and regulations, as well as the lack of oversight due to the disregard for meritocracy in assigning monitoring duties. The thuggee will likely escalate if not addressed firmly now, repeating past patterns. Any further discussions would render this Court judgmental and likely bias the petitioner; therefore, this Court will refrain from engaging in them.

11. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

29.01.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.