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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on: 4th February, 2016

+ **BAIL APPLN. No.628/2015**

RAM SINGH

..... Petitioner

Represented by: Mr.R.N. Sharma, Adv

versus

THE STATE (GNCT OF DELHI)

..... Respondent

Represented by: Mr.Amit Ahlawat, APP for
the State with SI Mangal
Ram, PS Rajouri Garden,
Delhi in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. Vide the present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks direction thereby granting anticipatory bail in case FIR No.3/2015 registered at police station Rajouri Garden for the offences punishable under Sections 420/120B/34 of the IPC.

2. Learned counsel appearing on behalf of the petitioner submits that petitioner has not played any role in duping any of the investors in the scam, however he has been implicated in this case only on the basis of the disclosure statement of co-accused.

3. He further submits that City Club was owned by Raman Yadav, however he disclosed before the Investigating Officer that Ram Singh and Keshav Kumar are the main persons having the control over the City

Club. Thus, the petitioner has been implicated in this case. However, there is no material against petitioner either signing of any of the documents or bank transactions including the withdrawal of money from bank account or even opening of the bank account. Moreover, there are no allegations against petitioner by any of the investors that the petitioner has duped any of them.

4. As per the status report, accused Rupender Singh and petitioner are master mind of the whole conspiracy. The petitioner asked Rupender to open a call centre and sell membership of City Club and ICI Club. Rupender Singh opened a call centre accordingly. However, as nobody was willing to have the membership of these clubs, so the petitioner and Rupender hatched a conspiracy to cheat the people on the pretext of bonus in LIC. They involved Pawanpal and Gurpal in conspiracy. Both of them, were working as team leaders on a monthly salary of Rs.22,000/-. They used to obtain the list of residents having MTNL landline numbers as they analysed that MTNL phones were being used mostly by the senior Cityzen. With the help of tele-callers, they used to dupe people on the pretext of winning bonus through LIC or pending policy of LIC and asked them to courier money ranging from Rs.15,000 to Rs.50,000/- as processing fees, which would be refunded thereafter. After encashment of cheques, 70% money was paid as share to Rupender and 30% was kept by petitioner as his share.

5. It is not in dispute that pursuant to the order dated 08.04.2015 passed by this Court, petitioner joined the investigation. During the course of investigation as per the status report, the material against petitioner has surfaced as under:-

“1. On analysis of email ID of the accused Keshav i.e. Keshavsecureline@gmail.com it has been revealed that accused Keshav has sent the details of business of his Janak Puri office to Ram Singh on his mail ID ramsinghcha@gmail.com (annexure-A). Keshav during interrogation has disclosed that Ram Singh is the main owner of City Club and he opened the office for him and he explained the whole conspiracy to him. Ram Singh is the mastermind and he used to send the details of business to accused Ram Singh (annexure-B). Ram Singh was not able to clarify why accused Keshav used to send the details of business to him.

2. On analysis of the CDR Record it has been revealed that accused Keshav was having conversation with accused Ram Singh on his mobile number 9050001419 on regular basis and Ram Singh was not able to clarify about the same (annexure-C).

3. On analysis of message record of accused Keshav, it has been revealed that accused Ram Singh was sending the details of clients to Keshav and Keshav was sending the business details to accused Ram Singh (annexure-D).

4. Accused Keshav has disclosed that Ram Singh is the owner of City Club and ICI Club in the account of which money has been transferred.

5. As per record, the address of City Club is Shop number 6, Ganesh Market, Village Jatoli, Pataudi, Rewari and SCO number 4, Brass Market, Rewari and the said office was on rent taken by Raman Yadav s/o Sumer Singh Yadav R/o VPO Chillar, Distt Rewari, Haryana from the owner Pradeep Kumar Gupta s/o Surender Kumar Gupta, R/o Kumar Medical Hall, Moti Chowk, Rewari (annexure-E). Though, the Rent agreement was on the name of Raman, but Raman on interrogation informed that the said premises was taken on rent by Ram Singh and he is an employee of Ram Singh. Sh. Pradeep Kumar Gupta on interrogation has categorically stated that accused Ram Singh was the real owner and Ram Singh informed him that he is not having the documents with him and in the absence of any documents he is having the rent agreement on the name

of his employee Raman Yadav. It is pertinent to mention here that Sh. Pradeep Kumar Gupta in his statement u/s 161 Cr P C has categorically informed that when the premises was vacated accused Ram Singh took all the articles from the premises.

6. During interrogation, Raman Yadav informed that he was employee of Ram Singh and he also came to know about the illegal business of Ram Singh so he made an Ikrinama with Ram Singh which was made between him and Manoj, on behalf of Ram Singh that though the City Club firm has been registered on the name of Raman Yadav but all responsibility of the firm is of Manoj s/o Nar Singh r/o Village Khod, Tehsial Pataudi Distt Gurgaon, Haryana. It is pertinent to mention that Ram Singh is also witness of the said agreement, copy of Ikrarnama enclosed annexure-F).

7. Though, accused Ram Singh has joined the investigation but he never cooperated which is evident from the fact that during interrogation he gave in writing that his mail id is ramsinghcha@gmail.com . However, later when he was shown printout of mail sent from the same mail ID to Raman regarding NEFT payment of Rs Nine Lac Ninety Nine Thousand Two Hundred Thirty Five only from the account of City Club to various other accounts he gave in writing that the above said mail ID is not his, which is contradictory to his previous statement (annexure-G).

8. During course of investigation it revealed that accused Manoj has expired on 29.06.2015 (copy of death certificate of accused Manoj enclosed, annexure H).

9. During the course of investigation accused Parminder Kumar s/o late Sunda Ram r/o Village & Post Baldhan Kalan, PS Jatusana, Distt Rewari, Haryana has been arrested on dated 01.01.2016 who is running in judicial custody. He was an account holder of Value added club his account in Haryana Gramin Bank, Bawal, Rewari, Haryana. A huge amount from account of City club (A/C holder Manoj who has expired) was transferred into the account of Parminder Kumar through NEFT. Accused Parminder Kumar has disclosed

that his account was opened on the instruction of accused Ram Singh and his brother-in-law Tinku. He also disclosed that the account opening form of his value added account was filed up by accused Ram Singh and Tinku.”

6. In the aforesaid scam, one lady Harbans Kaur has been duped by the aforesaid accused including the petitioner on the pretext of bonus in LIC. She has been duped by an amount of Rs.3.00 Lac; Sanjeev Kumar by Rs.30,000/-; Surender by Rs.4,55,000/- and one T R Ahuja has been duped of Rs.6,75,000/-.

7. Learned Prosecutor on the instructions of the SI Mangal Ram, Investigating Officer of the case submits that petitioner has failed to give reply to the details asked. Thus, the custodial interrogation of petitioner is required for further investigation.

8. It is pertinent to mention here that vide order dated 05.08.2015 passed by this Court in Bail Application No.1082/2015 the anticipatory bail application of accused Rupender Singh has been dismissed.

9. Keeping in view the facts recorded above, I am not inclined to allow the instant application, which is accordingly rejected.

10. The petitioner is directed to surrender before the Investigating Officer and join the investigation.

**SURESH KAIT
(JUDGE)**

FEBRUARY 04, 2016

M/jg