IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.16774 of 2018
Decided on: 27.04.2018

Ravi Kant Sahni

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. S.S. Nara, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.50 dated 28.03.2018, for offence punishable under Sections 406 and 420 of the Indian Penal Code (in short 'IPC') registered at Police Station Sadhaura, District Yamuna Nagar.

Counsel for the petitioner has submitted that as per the allegation in the FIR which was registered on the statement of the complainant – Bhupinder Singh, it is stated that the petitioner is running a Rapid Cash Company along with A. Kumar and Ms. Liana and, in fact, they are running an international gang by cheating the people by making international call from foreign cell numbers. The petitioner along with the co-accused visited the house of the complainant and told him that they are in the business of sending people abroad and can also provide employment in Indian Railways. On this pretext, he obtained a huge amount for getting employment for the cousins of the complainant as well as for sending his friend abroad. The friend of the complainant namely Harpal Singh was called by the petitioner at Delhi and after obtaining the amount, he was left alone and the amount was not returned. Thereafter, the petitioner took Rs.15 lacs from the complainant and he had send an RBI letter on the e-mail ID of the complainant which was found to be forged. The complainant, thereafter, transferred Rs.3 lacs from this bank account in the HDFC account of the petitioner and one Surinder Singh also gave Rs.3.50 lcs on the assurance given by the complainant to the petitioner. Thereafter, the complainant received another e-mail letter from Rapid Cash Company of the petitioner and also received international calls from a lady regarding clearing of the payment and even intimidated the complainant to sell his land. After an enquiry was conducted by the Economic Crime Cell, the present case was registered.

Counsel for the petitioner has also submitted that, in fact, it is a money dispute and the petitioner has already returned the amount to one Harpal Singh and the complainant had agreed to purchase a hotel in Manali and the petitioner helped him in doing the said deal and the present FIR has been lodged with false and frivolous allegations.

On the other hand, counsel for the complainant as well as counsel for the State, on instructions from ASI Dilbag Singh, has opposed the prayer for anticipatory bail on the ground that the petitioner has induced the complainant, Harpal Singh and Surinder to part away huge amount by showing them fake RBI letters and circulars and the complainant and others have been defrauded of huge amount. It is further submitted that the petitioner is engaged in the illegal activity of Hawala transactions and he is part of an international gang, indulging in the act of cheating the people. The complainant was also trapped by the petitioner and other accused with fake hope that he will get back the amount in his bank account with huge profits.

Counsel for the complainant has further shown the details of Whatsapp messages, which have been sent from international mobile No.+1(914) 529-5167 vide which the petitioner was communicating with the complainant to send the money. Counsel for the complainant has also placed on record the e-mails sent by the petitioner and others, in this regard.

Counsel for the State has further submitted that the Investigating Officer has sought clarification from the RBI, which is given on 16.04.2018 that there are many persons who are involved in sending fake e-mails in the name of RBI and are duping innocent persons. It is also submitted that it is a case where custodial interrogation of the petitioner is required as number of persons have been cheated. It is further argued that the petitioner is involved in two more FIRs of similar nature and, therefore, he is not entitled for anticipatory bail.

After hearing counsel for the parties and considering the serious allegations levelled against the petitioner and also in view of the fact that initial enquiry has already been conducted by the Economic Crime Cell and after collecting the evidence, like bank account statement of the complainant showing the payment of amount to the petitioner, the Economic Crime Cell has recommended for registration of the FIR, as the allegations are that the petitioner is part of an international gang which is cheating people by making calls from international numbers and the huge amount is involved in the case. Therefore, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

27.04.2018
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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No