IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.45066 of 2018 (O&M)
Date of Decision: 18.12.2019

Shashikant

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Manvinder Sidhu, Advocate for the petitioner.

Mr. Pawan Garg, AAG, Haryana for the respondent/State.

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MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing FIR No.0308 dated 01.04.2017, under Sections 406, 420, 467, 468, 471, 120-B, 201 of the Indian Penal Code, 1860 and Section 66 of the I.T. Act, 2000, registered at Police Station Gurgaon City, District Gurugram.

Above FIR was registered on the basis of a complaint made by Narayan Roy etc. against the petitioner as well as other co-accused with the allegations that while running a Company, namely, Clandestine Live Network Company on the basis of website i.e. www.clickones.com, they committed fraud, forgery and cheated innocent persons by inducing them to invest with their above said Company, which in fact was bogus and closed down.

This Court, while issuing notice of motion on 11.10.2018, passed the following order:-

"Learned counsel for petitioner submits that

> *allegations against the petitioner are of inducing the public to invest in the scheme of Clandestine Live Network Company. He further submits that the petitioner is not connected with the company in fact he himself is one of the victim. The co-accused similarly placed namely Shalender Sharma has been allowed anticipatory bail.*
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> *Notice of motion for 30.10.2018.*
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> *In the meanwhile, the petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall loose the benefit of interim bail allowed to him.*
>
> *To be listed with CRM-M-25619 of 2018.*

Contends that petitioner has been falsely implicated in the present case as he himself is a victim and moreover, petitioner has already joined the investigation, thus, his custodial interrogation is not required.

On the other hand, learned State Counsel, opposed the present petition while submitting that petitioner along with other co-accused cheated the innocent persons and all are found to be actively conspired while running the above Company. Also contends that there are number of criminal cases pending against the Company as well as other co-accused and an amount of ₹ 29,60,000/- is found to have been transmitted in the different accounts of the petitioner, thus, his custodial interrogation is required to know the *modus operandi* and to collect the relevant material in support of the prosecution case.

Heard learned counsel for the parties and perused the paper-book.

In pursuance of order dated 05.11.2019, Status Report by way of an affidavit dated 17.12.2019 of Sh. Shashank Kumar Sawan, Deputy Commissioner of Police, Hqrs., Gurugram on behalf of the respondent/State has been filed. The same is taken on record. Copy supplied to the opposite side.

Perusal of the aforesaid affidavit reveals that there are six other FIRs, registered against the Company and other co-accused in different Police Stations i.e. Gurugram, Hisar and the State of Rajasthan, which are as under:-

(1) *FIR No.337 dated 11.04.2017, under Sections 406, 420, 467, 468, 471, 120-B, IPC, Police Station Civil Lines, Hisar.*

(2) *FIR No.127 dated 11.04.2017, under Sections 420, 120-B, IPC and Section 66 of the I.T. Act, Police Station Niwai, District Tonk, Rajasthan.*

(3) *FIR No.197 dated 03.05.2017, under Sections 406, 420, 120-B, IPC, Police Station Vidyadhar Nagar, Jaipur, Rajasthan.*

(4) *FIR No.98 dated 03.04.2017, under Sections 406, 420, 120-B, IPC; Sections 3/4/5/6(1) of the Chit Funds Act, 1982, Police Station Adarsh Nagar, Jaipur, Rajsthan.*

(5) *FIR No.130 dated 16.05.2017, under Sections 406, 420, 120-B, IPC, Police Station Jainarayan Vyas Colony, District Bikaner, Rajasthan.*

(6) *FIR No.96 dated 03.05.2017, under Sections 406, 420, 409, 467, 468, 471, 120-B, IPC and Section 66-D of the I.T. Act, Police Station Beechwal, District Bijkaner, Rajasthan.*

Commissioner of Police, Gurugram, who is present, has apprised the Court that during investigation of the FIRs in question, it has been found that total amount of ₹ 1,32,61,25,321/- has been deposited in eight different bank accounts of the Company for the period September, 2016 to February, 2017 and police has apprehended eight accused uptill now. Two co-accused, namely, Aman Verma @ Wajahat Khan and Dravesh Anand were hiding themselves while concealing their true identities, but after making various efforts and taking the assistance of team of experts, both were arrested on 26.09.2019 and 28.09.2019, respectively.

Materials collected by the police during investigation from other co-accused indicate that petitioner has opened six different bank accounts in his name and one of his father and received considerable amount from the Company as commission. The details of the bank accounts and amount remitted in favour of the petitioner as well as his father are as under:-

Sr. No.	***Name of the A/c Holder***	***Name of the Bank and A/c Number***	***Amount in ₹***
1.	*Shashikant*	*IDBI Bank A/c No. 170104000098236*	*1,75,000/-*
2.	*Shashikant*	*Axis Bank A/c No. 166010100136518*	*4,25,000/-*
3.	*Shashikant*	*HDFC Bank A/c No. 01581530003968*	*7,00,000/-*
4.	*Shashikant*	*HDFC Bank A/c No. 01582020002706*	*10,50,000/-*
5.	*Shashikant*	*ICICI Bank A/c No. 102401000612*	*50,000/-*
6.	*Shashikant*	*SBI Bank A/c No. 31034682642*	*3,60,000/-*
7.	*Chanderboss*	*Central Bank A/c No. 1014041648*	*2,00,000/-*

Perusal of above details reveal that petitioner is the direct beneficiary in this case while cheating and defrauding the complainant as well as innocent investors, thus, his complicity is directly connected with the Company. Although, petitioner was granted the interim protection by this Court, but as stated by Commissioner of Police, he is not co-operating with the Investigating Officer and did not disclose the source of amounts credited into their above bank accounts.

Since this is a big racket involved in white collar crime and duped the innocent public as well as gullible investors, therefore, custodial interrogation of the petitioner is very much necessary to know the actual *modus operandi* of the entire gamut.

The argument that case of the petitioner is at par with co-accused Shalender Sharma would not be acceptable for the simple reason that said co-accused fully co-operated with the Investigating Officer and his custodial interrogation is stated to be not required, thus, petitioner cannot take any benefit on that count.

In view of the above, this Court has no option except to dismiss the present petition.

Ordered accordingly.

The above observations may not be construed as an expression of opinion on merits of the case.

December 18, 2019 **(MAHABIR SINGH SINDHU)**
Gagan **JUDGE**

Whether speaking/reasoned	*Yes*
Whether Reportable	*Yes*