

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision : October 15th, 2020

1. CRM-M-29036-2020

Raju Ranjan Yadav

..... PETITIONER

VERSUS

State of UT., Chandigarh

..... RESPONDENT

2. CRM-M-29194-2020

Suraj Murmu

..... PETITIONER

VERSUS

State of UT., Chandigarh

..... RESPONDENT

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Dr. Juhi Goel, Advocate, for the petitioners in both cases.

Ms. Ashima Mor, Additional PP, UT Chandigarh.

...

Sanjay Kumar, J.

On 13.11.2019, one Chander Mohan Munjal, Advocate, submitted a complaint addressed to the Senior Superintendent of Police, Chandigarh, alleging that he had been cheated to the tune of ₹ 3,58,000/- on the pretext of renewing his lapsed HDFC Life Insurance Policy. He claimed that he was contacted by one Madhuri Kashyap in this regard through E-mail and mobile phone. As per her instructions, he had deposited the aforesaid sum of ₹ 3,58,000/- in the bank accounts furnished by her.

FIR No.0004 dated 16.01.2020 was accordingly registered on the file of Police Station, Sector 19, Chandigarh, under Sections 419, 420, 468, 471 and 120-B IPC. The accused therein was shown to be unknown. During the course of investigation into this FIR, another complaint was received on 07.02.2020 from one Rakesh Gupta, who claimed that he had been duped to the tune of ₹ 5,08,000/- in connection with his HDFC Life Insurance policy.

Further investigation revealed that a fake Call Centre had been set up at Vasundra, Ghaziabad, Uttar Pradesh, by certain persons claiming to be the authorized personnel of HDFC Life Insurance Company, so as to swindle monies from innocent people. Gaurav Verma, Ankur Verma, Manish Kumar and Mukesh Kumar were arrested at this Call Centre on 30.01.2020. Thereafter, Suraj Murmu and Raju Ranjan Yadav, the petitioners herein, were also arrested on that day as bank accounts had been opened in their names and were being used for cheating the victims. On the disclosure statement made by Suraj Murmu, details of 100 bank accounts, ATM Cards, Cheque Books, mobile phones and SIM Cards were elicited and the same were recovered from the residences of Sonu and Suman. Mamta Chauhan, who had posed as Madhuri Kashyap and cheated the complainant, surrendered before the Court on 06.02.2020 and was arrested. In total, 10 accused are arrayed in relation to this FIR.

While so, compromise deeds dated 29.02.2020 were executed by the accused and both the above named victims. Thereby, the amount fraudulently obtained from the said victims was returned to them.

On the strength of this compromise, a quash petition in CRM-M-10148-2020 was filed before this Court under Section 482 Cr.P.C. By order dated 06.03.2020 passed therein, this Court directed the Illaqa Magistrate to record the statements of the parties and report whether the compromise was genuine and without pressure and undue influence. The report is awaited and the case is pending consideration.

Suman Kumar, one of the accused in this case, was granted interim bail on conditions, in the light of the aforestated compromise and pendency of the quash petition, *vide* order dated 09.07.2020 passed in CRM-M-14487-2020. Manish Kumar, another accused, was also granted regular bail, *vide* order dated 24.06.2020 passed in CRM-M-13910-2020, on the ground that he became an employee at the Call Centre only in October, 2019, and as no overt acts were attributed to him.

However, the bail petitions of Gaurav Verma, Karan Singh and Mamta Chauhan were dismissed by this Court, *vide* common order dated 24.06.2020 passed in CRM-M-13672-2020 and CRM-M-13901-2020, taking note of the fact that other similar offences were still coming to light and merely because a compromise had been effected with two of the victims, the State would not be bound thereby and the accused would necessarily have to face the consequences of their criminal conduct, if proved beyond reasonable doubt. This Court also noted the possibility of more cases coming to light and held that the release of the said accused at that stage may prejudice the course of investigation in such cases.

While so, the present bail petitions were filed by Raju Ranjan Yadav and Suraj Murmu respectively seeking grant of regular bail under Section 439 Cr.P.C.. They claim that they hail from the State of Jharkhand and belong to poor families. Raju Ranjan Yadav stated that he was employed at the Call Centre just about one month before the registration of the FIR while Suraj Murmu stated that he gained such employment only 4 to 5 months prior to the FIR. They, therefore, claim parity with Manish Kumar, who was granted regular bail.

The Deputy Superintendent of Police, Cyber Crime, Investigation Cell and IT, Chandigarh, filed replies in both these cases. Therein, while reiterating the facts set out *supra*, she stated that Karan Singh used to get bank accounts opened in the names of the petitioners and used these bank accounts for cheating people. An ATM Card of the Federal Bank was recovered in relation to an account which stood in the name of Suraj Murmu, wherein ₹ 1,51,000/- had been deposited by the complainant. Both petitioners were stated to have opened bank accounts with incorrect addresses in different banks at Delhi. They were also shown as the accused in FIR No.09 dated 01.02.2020 on the file of Police Station Phase I, Mohali, registered under Sections 419, 420, 468, 471 and 120-B IPC. She finally stated that the challan was filed on 28.03.2020 and a supplementary challan would be filed after further investigation.

The aforestated facts demonstrate that no recoveries, as such, were specifically effected from either of the petitioners. The Federal Bank ATM card was admittedly not found with the petitioners. They seem to

have been used for opening bank accounts so as to cheat people, such as the complainant, but there is no evidence of their active participation in these illegal operations. Further, no specific overt act, apart from the opening of the bank accounts, is attributed to them and no further recoveries are to be effected from them or at their behest.

That being so, as both the petitioners seem to be only employees who came into the picture after the inception and implementation of this fraudulent scheme to defraud innocent people, they would be entitled to relief at this stage, subject to conditions.

Further, though the challan has been filed, there is no possibility of the trial being undertaken expeditiously owing to the prevailing situation caused by the ongoing COVID-19 pandemic.

At the same time, this Court is conscious of the fact that the petitioners hail from the State of Jharkhand and there is every possibility of their trying to evade the process of law by absconding. In consequence, the conditions need to be tailored accordingly.

In that view of the matter, both these petitions are allowed directing the release of the petitioners in FIR No.0004 dated 16.01.2020 on the file of Police Station, Sector 19, Chandigarh, upon their furnishing personal bonds for a sum of ₹ 1,00,000/- each along with two sureties for a like sum each to the satisfaction of the Illaqa/Duty Magistrate concerned. The petitioners shall also report before the Station House Officer, Police Station, Sector 19, Chandigarh, on the first Saturday of

every month between 10.30 AM and 12.00 PM till the disposal of the case. Further, the petitioners shall not offer any inducement, threat or promise to any person connected with the case.

October 15th, 2020
Kang

(Sanjay Kumar)
Judge

Whether speaking/reasoned	Yes
Whether reportable	No