IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3667-2022 (O&M)
Date of Decision:- 25.2.2022

Nurislam and others … Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jagdeep Singh, Advocate for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by Inspector Samar Singh.

(proceedings conducted through video conferencing)

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GURVINDER SINGH GILL, J.

1. The petitioners seek grant of anticipatory bail in a case registered against them vide FIR No. 2 dated 5.1.2022 under Sections 66-D of the Information and Technology Act, 2000 and under Sections 419, 420 of IPC at Police Station Cyber Crime, District Gurugram.

2. The FIR was lodged at the instance of Rohit Kumar wherein he has alleged that two fraudulent transactions had been effected in respect of his RBL Debit Card bearing No. 5243-7364-0331-6271. It is alleged that while first fraudulent transaction was of ₹20,000/-, the second transaction was of ₹9,000/-. It is further alleged that two more fraudulent transactions had been effected in respect of his IndusInd Bank Debit Card bearing No. 5244-8042-

2711-7561 and that while the first transaction was of ₹50,000/-, the second transaction was of ₹8,000/-.

3. The learned counsel representing the petitioners has submitted that the petitioners are no where named in the FIR and have been nominated subsequently in the present case without there being anything to show their involvement in the alleged fraud. The learned counsel further submits that in any case, since the petitioners are willing to compensate the complainant in respect of the amount of ₹ 87,000/-, which is stated to have been withdrawn from his bank accounts, therefore, the petitioners who are not even involved in any other case deserve the concession of bail.

4. On the other hand, the learned State counsel has opposed the petition and has submitted that although in the FIR, it is only the complainant who has pointed out the fraudulent transactions which had been taken place in his two bank accounts but several other gullible account holders must have been deprived of huge amounts of money and that in order to unearth all the details, custodial interrogation of the petitioners is required.

5. I have considered rival submissions addressed before this Court.

6. It is no doubt correct that as far as the instant FIR lodged at the instance of Rohit Kumar is concerned, the loss suffered by the complainant is somewhere to the tune of ₹87,000/- which the petitioners have offered to make good. However, during the course of investigation, the investigating agency has been able to find the *modus operandi* of the dubious transactions as per which the petitioners through the software 'Mobikwik' and the mobile numbers of the victims used to send messages and website links wherein

representation was made to the effect that the account holders could redeem the credit points earned by them. It has been found during investigation that out of the amount of ₹87,000/- withdrawn from the account of the complainant, an amount of ₹56,000/- was transferred to bank account No. 100062099151 in the name of petitioner no. 1 Nurislam. Another amount of ₹ 9,999/- was found to have been transferred to bank account No. 6722060002 in the name of petitioner No. 3 Mohd. Hassan. It has been found that upon the victim logging in through the links sent to their mobile phones by accused, would be prompted to furnish the following information :-

(i) card number;
(ii) CVV number;
(iii) date of expiry of card;
(iv) e-mail of the victim; and
(v) password of the e-mail.

7. Upon such information being furnished by gullible victims, the accused would use the same for the purpose of withdrawing amount from the bank accounts of the victim and the OTP which is required for completing such transactions would be received through the e-mail, the particulars and password of which the accused had already collected from the victim.

8. The aforesaid *modus operadi* does tend to show that the presence of two instances of fraud as pointed by complainant may just be a tip of iceberg and the accused would have defrauded several other persons by way of making fraudulent transfers of amounts from their bank accounts. In order to probe the entire scam, their custodial interrogation would certainly be required. In these circumstances, no ground for grant of anticipatory bail is made out.

9. The petition is sans merit and is hereby dismissed.

25.2.2022 **(Gurvinder Singh Gill)**
kamal **Judge**

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No