

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(103)

CRM-M-42076-2022

Date of decision: - 28.09.2022

Pawan Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sandeep Singh, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.218 dated 24.08.2022, under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Ambala Sadar, District Ambala.

2. Learned counsel for the petitioner has submitted that no transfer of any money has been made into the account of the present petitioner. It is further submitted that after the partial investigation having been done, it has not come on record that any money has been transferred into the account of the present petitioner. It is also submitted that the fraud in question has been committed by the Company Crypto World Trading Company and the present petitioner is not a part of the said

company.

3. Learned State counsel on the other hand has vehemently opposed the present petition for anticipatory bail and has submitted that the present petitioner is specifically named in the FIR being one of the persons, who along with Tanuj Taneja, Vikas Kalra, Kapil Jaiswal, had formed an association for the purpose of Crypto World Trade and have duped innocent persons of an amount of Rs.320,98,86,000/- (Rupees Three Hundred Twenty Crores, Ninety Eight Lakhs, Eighty Six Thousands). A reference has been made by learned State counsel to the status report filed by way of affidavit of Mr.Ramesh Kumar, Deputy Superintendent of Police, Ambala dated 22.09.2022, in which it has been stated in para No.16 that during investigation of the case, the complainant had produced the pamphlet wherein, the petitioner along with other co-persons, namely, Tarun Taneja, Kapil Jaiswar, Rameshwar and Ramesh Kumar had been shown as contact persons to collect the money for deposit in Crypto World Trading Co. It is further stated that the petitioner was handling the office of Crypto World Trading Co., which had been opened in the Amba Market, at Ambala Cantt. and as per the said pamphlet, a promise had been made to the public that by depositing money, the amount will be returned after doubling the same within 120 days and the responsibility regarding return of the money was also taken. Further, during investigation even screen shots of photographs of the present petitioner and other accused were also found showing that the petitioner and other co-accused used to arrange parties in reputed hotels for the purpose alluring the public at large for deposits to be made in the

Crypto World Trading Co. with false assurances and thereby cheated the complainant and the public at large. Reference has also been made to para No.17 of the said affidavit, wherein, it has come out in the investigation that petitioner along with his co-accused Kapil Jaiswar had opened an office in the name of Janki Associates at Ambala Cantt where they used to collect cash from the public at large and after the closer of website "cryptoworld.net", the petitioner fled away after taking crores of rupees from the complainant as well as from the public. In addition to the present FIR, there are 50 complaints filed with respect to the fraud committed for which the petitioner is also responsible and the said applications have been received by the CIA Staff, Ambala City and the investigation in the same is also pending. Further, during investigation it has also been found that the petitioner and co-accused have prepared IDs of 1,10,247 persons and thereby ended up collecting Rs.320,98,86,000/-. It is submitted that a perusal of paras No.10 and 11 of the said reply would show that co-accused Tarun Taneja as well as Rakesh Kumar were arrested and had specifically named the present petitioner as one of the persons who was also involved in duping the public at large. Reference has also been made to the whatsapp chat which has been annexed alongwith the said reply which clearly shows that the petitioner had invited the public to invest in the Company and there are specific whatsapp messages from the mobile phone of the petitioner in which it has been stated that the associated persons were requested to join the celebrations and have a dinner party for the achievements which had been achieved by the petitioner in the Crypto World Trading as on that day. It is submitted that thus, it is prima

facie apparent that the petitioner is involved in the entire gamut of the fraud committed and plea of the petitioner that he has nothing to do with the same, is false and incorrect. It is submitted that the custodial interrogation of the petitioner is required to unearth the truth and to find out the entire illegal racket weaved by the accused persons and also to recover the money which the petitioner had duped from the complainant and the public at large.

4. This Court has heard learned counsel for the parties and has gone through the paper-book.

5. The present case is a case, in which, prima facie, a big fraud has been played on the complainant and the public at large, as a result of which, an exorbitant amount of Rs.320,98,86,000/- has been duped by the petitioner along with other co-accused persons as per the preliminary investigation made by the police. Paragraph No. 16 and 17 of the said reply filed by the Deputy Superintendent of Police, Ambala are reproduced herein below: -

"16. That it would be relevant to submit here that during investigation of the case, the complainant of the case has produced the pamphlet wherein the accused-petitioner and other co-accused Tarun Taneja, Kapil Jaiswar, Rameshwar and Ramesh Kumar have been shown as contact person to collect the money for deposit in Crypto World Trading Co. It has been specifically mentioned in the pamphlet that for depositing the money in Crypto World Trading Co., the office of Crypto World Trading Co. has been opened in Amba Market, Ambala Cantt and by depositing the money in the said company, the amount will be will be returned about 2 1/2 times within 120 days and it would be our responsibility to return the money. Moreover, during investigation, the complainant also produced the screen shots of photographs of accused petitioner Pawan Kumar and others (jointly)

in which it has been shown that the accused-petitioner and his co-accused used to arrange parties in the reputed Hotels for the purpose to allure the public at large for deposit the money in the Crypto World Trading Co. with false assurance and thereby cheated the complainant and with public at large.

17. That it has come in the investigation that accused-petitioner Pawan Kumar alongwith his co-accused Kapil Jaiswar had opened an office in the name of Janki Associates at Ambala Cantt where the accused-petitioner Pawan Kumar and Kapil Jaiswar used to collect the cash from the public at large. Moreover, after the closer of Web site 'cryptoworld.net', the accused-petitioner Pawan Kumar fled away with the cheated amount in crores of Rupees. It is also relevant to submit here that apart from the present FIR around fifty complaints against the fraud committed by Crypto World Trading Co. have been received in CIA Staff, Ambala City through Superintendent of Police, Ambala and the said complaints are pending for inquiry. It is further relevant to submit here that during investigation, it has been found that the accused petitioner and co-accused have prepared ID's of 1,10,247 persons and thereby collected Rs. 320,98,86,000/- (Rs. Three hundred twenty Crore, Ninety eight Lac, eighty six thousands) by alluring the public at large.)

6. A perusal of the above would show that it has been found out during the preliminary investigation that the petitioner along with co-accused Kapil Jaiswar had opened an office in the name of Janki Associates at Ambala Cantt where the present petitioner and co-accused Kapil Jaiswar used to collect the cash from the public at large and after closer of website 'cryptoworld.net', the petitioner had fled away after misappropriating the crores of rupees collected from the public at large. It is stated that 50 complaints have been received by the CIA staff from the Superintendent of Police, Ambala with respect to the fraud committed qua investments in Crypto currency and the petitioner along with other co-accused, had prepared IDs of 1,10,247 persons and thereby ended up

collecting Rs.320,98,86,000/- by alluring the public at large. It has been further found that in the pamphlets, the petitioner and other co-accused Tarun Taneja, Kapil Jaiswar, Rameshwar and Ramesh Kumar have been shown to be contact persons so as to collect the money for depositing in Crypto World Trading Company. The petitioner is the contact person with respect to the office of Crypto World Trading Company opened in the Amba Market, Ambala Cantt. and an allurement had been given to the public at large to get returns of about 2½ times within 120 days. A perusal of the screen shots of the photographs of the petitioner along with other co-accused, which have been found during preliminary investigation, would show that they used to arrange parties in reputed hotels for the purpose of alluring the public at large for depositing money in Crypto World Trading. In paras No.10 and 11 of the said reply, it has been specifically stated that co-accused Tarun Taneja as well as Ramesh Kumar have disclosed that the present petitioner was one of the persons involved in the commission of the crime in question. Whatsapp chat has also been annexed along with the present reply and the said whatsapp chat also *prima facie* shows the involvement of the petitioner. Some of the messages sent from the phone of the petitioner are highlighted as under: -

*"Pawan Sir Cheff: This is A transaction 21/12/2021, 19:19 - Pawan Sir Cheff: Congratulations to *Mr. Chander Mohan ji for 500\$ id done" at the spot under Guidance Great Leader *Mr. Tarun Tanjea Ji* and * Mr.Pawan Kumar Ji* Ambala Cantt.*

Pawan Sir Cheff: Sir ji tussi great crypto world ka tohfa kabool karo 31/12/2021 20:25"

*Pawan Sir Cheff: Congratulations to *Mr. Jitender Kashyap ji from Shahabad for 500\$ id done* on the spot of *Great Leader Mr.*

Pawan Kumar ji Ambala Cantt"*

There are other messages also implicating the present petitioner in the whole scheme of fraud.

7. The aforesaid facts which have come about during the preliminary investigation, *prima facie*, show the involvement of the present petitioner in the entire fraud committed and the argument of learned counsel for the petitioner to the effect that he has no link with Crypto World Trading Company, thus, deserves to be rejected. The custodial interrogation of the petitioner is necessary so as to unearth the entire racket and to get information with respect to all the persons who are involved in the same and to ascertain the *modus operandi* used by the accused persons for duping the complainant and the public at large.

8. The petitioner has also been specifically named in the FIR and even in the FIR, the complainant has specifically stated that one Tarun Taneja had told the complainant that he had formed Crypto World Trading Company in association with the present petitioner and other co-accused. It has further been alleged in the FIR that when the crypto software was not visible on the net, then, the complainant tried to get in touch with the present petitioner along with other co-accused and the said persons kept on lingering the matter. It is the case of the prosecution that the petitioner has gone underground/in hiding ever since the time, the scam in question has surfaced.

9. Keeping in view the abovesaid facts and circumstances, the present petitioner does not deserve the concession of anticipatory bail and thus, the present petition is dismissed.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present petition.

September 28, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes