IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(204)

CRM-M-49737-2021
Date of decision: - 09.02.2022

Rahul Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Jagmohan S. Ghumman, Advocate, for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(**Through Video Conferencing**)

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<u>VIKAS BAHL, J. (ORAL)</u>

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.178 dated 20.10.2020, under Section 66-D of the Information Technology (Amendment) Act, 2008 and Section 420 of IPC (Section 419 IPC deleted subsequently and Sections 467, 468, 471 and 120-B IPC added later on), registered at Police Station Cyber Crime, Gurugram.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has not been named in the FIR and he has been implicated only on the basis of disclosure statement of Shashinath Pathak @ Abhishek Pal son of Mohan Pathak, which has been recorded after a period of more than 11½ months from the date of registration of the FIR.

Learned State counsel, on the other hand, has opposed the present petition for the grant of anticipatory bail and has submitted that the present case is a case of fraud of huge magnitude in which as many as 377 persons have been duped by the petitioner and his co-accused till now. It is submitted that the petitioner is involved in two other cases of similar nature and thus, the custodial interrogation of the petitioner is very much necessary in order to find out their *modus operandi* and also to recover the fake documents and sim cards.

This Court has heard the learned counsel for the parties and has perused the paper book.

The FIR in the present case had been registered against unknown persons for impersonating as representatives of IFFCO-Tokio General Insurance Company Ltd. and by misrepresenting, inducing unsuspecting persons to part with their money owing to fictitious insurance policies and thereby diverted the premium deposits to their private accounts not belonging to the said Insurance Company and thus, had been defrauding the victims (customers) as well as the insurance company in question. It had also been alleged that certain persons had violated the provisions of Information Technology Act, 2008. In the FIR, names of several customers have been given to whom fake policies had been issued by the imposters. Ultimately, it was found during investigation that 377 victims had already come on record, who had stated to have been defrauded in the said manner by the imposters and thus, it was found that the present case is a case of a big financial fraud in which accused persons have fraudulently extracted crores of rupees from the innocent persons.

A perusal of the disclosure statement of Shashinath Pathak @ Abhishek Pal (Annexure R-1) would show that he had specifically stated that the present petitioner used to work in a call center in Delhi and when Shashinath Pathak @ Abhishek Pal was in search of a job, petitioner had told him that he could earn a huge amount of money by providing fake insurances to people through phone calls in the name of policybazaar and it was under the influence of the petitioner that the said Shashikant Pathak had agreed to work with the petitioner and thereafter, the petitioner, along with other co-accused, started an office in the name of Policybazaar in a rented building and the specific role of the petitioner was to provide fake sims and also to take interviews for the job posts in the said office and thereafter, the petitioner along with other co-accused used to obtain data from Google Data Publicity site and then the policy holders was called via phone and whatsapp and were made offers to the effect that in case their insurance policies had been expired, the same could be renewed through policybazaar and as a result of that, the interested customers agreed to renew their policies and used to send PDF's of the old policy and the petitioner along with co-accused, then tempered with the PDF file and prepared fake insurance policies and sent it to the customers and after obtaining money from the customers, they used to withdraw the said money and after deducting the office expenses, they distributed the remaining amount amongst themselves. It is further stated in the said statement that in the month of December, 2020, a raid was conducted by a Delhi police in their office and FIR No.609/2020 under Sections 420, 467, 468 and 471 IPC, at Police Station Krishna Nagar, Delhi was registered, in which, co-accused and the petitioner were arrested, but even after coming out of the jail, petitioner, along with co-accused, again started doing the same work of giving fake insurance policies from his house and thus, as a result, they duped a large number of persons, which till now is stated to be 377.

A perusal of the above would show that the present case is a case of a huge financial fraud, in which, more than 377 persons have been duped and the petitioner is one of the main accused as per the disclosure statement of Shashinath Pathak @ Abhishek Pal and thus, the custodial interrogation of the petitioner is very much necessary in the present case, in order to find out the complete chain of events and also in order to recover fake documents/sims, vide which, the petitioner and other co-accused were defrauding the public.

Keeping in view the above said and circumstances, no ground is made out for the grant of anticipatory bail to the petitioner and the present petition is accordingly dismissed.

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 bail application.

(VIKAS BAHL)
JUDGE

February 09, 2022
naresh.k

Whether reasoned/speaking? Yes
Whether reportable? Yes