IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-46839-2022

Date of Decision:-17.10.2022

Ravinder Kumar.

......Petitioner.

Versus

State of Haryana.

......Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vikas Bishnoi, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

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JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.84 dated 25.03.2022 under Sections 420, 467, 468, 471 IPC and Sections 66(C) and 66(D) of Information Technology Act, 2000 (but during investigation Sections 35(a), 35(h), 35(i) and 36 of Haryana Parivar Pehchan Act, 2021 have been added) registered at Police Station Bhuna, District Fatehabad.

The present FIR came to be registered on the basis of a complaint sent by the Additional Deputy Commissioner-cum- Citizen Resources Information Officer, Fatehabad to the SHO praying for legal action to be taken against the fraudulent operator VLE Ravinder Kumar (petitioner). It was stated that the Chief Executive Officer Haryana Parivar Pehchan Authority had issued a letter no.1/26-22-hpaa dated 23.02.2022 with the instructions that an FIR has to be lodged against VLE Ravinder

Kumar who was working as C.S.E. at Ward no.10 Bhuna City, District Fatehabad. It was stated that action should be taken according to law.

Pursuant to the registration of the FIR the investigation of the case was conducted by Inspector Kuldeep Singh and during investigation it was found that the Parivar Pehchan Patra (hereinafter referred to as PPP) contains the detail of annual income of each member and according to the income in the PPP many facilities are provided by the Haryana Government to the eligible families and while making the family ID, the details of income are recorded by the government after verifying the source of the income of the family. For reduction of income in the family identity card an application is made online after which there is a provision to reduce the income in the family identity card after re-verification of the source of income of the family by a Special Committee. However, the family identity card was issued by the accused in order to reduce the income of the family by ignoring the above legal provisions. The act of reducing the annual income in the family identity card was found to be done in an illegal manner by bypassing the system based OTP process prescribed by the Government due to which ineligible people were also getting the benefit of the Government facilities.

During investigation on 27.03.2022 petitioner-Ravinder Kumar, Ansh Girdhar and Sunil were joined in investigation and were arrested. They suffered their disclosure statements regarding their involvement in the present case. Ravinder Kumar disclosed that he ran a CSC Centre in the name of Jansewa for about 07 years and the co-accused Ansh Girdhar worked as Data operator at the Centre. He disclosed that high income customers came to their centre to change the income of their family

ID to take advantage of the government facilities for low income citizens and also to get done changes in the date of birth etc. He further disclosed that co-accused Ansh had told him that one Sunil Sharma and Mika (granted bail vide order dated 29.09.2022 in CRM-M-41009-2022) had a formula to reduce income by adopting illegal means. Subsequently Ansh had wrongly changed his annual income in his family ID. Similarly the annual income was reduced for one Arun Mahendru.

Similar facts were disclosed by Ansh Girdhar as well. Thereafter mobile phones and computers etc were got recovered from the accused.

Sunil also got recorded his disclosure statement wherein he named Mika and the other accused such as Ansh, Arun Mahendru, Sandeep and recoveries were effected from Sunil.

During further investigation on 04.04.2022 Mikdar @ Mikka was arrested and he suffered a disclosure statement regarding his involvement in the present case. He also named the other accused such as Sunil Sharma, Ansh Girdhar and Ravinder Kumar petitioner and got recovered his laptop and cash.

During further investigation on 19.04.2022 Ankit @ Fauji (granted bail vide order dated 29.09.2022 in CRM-M-29804-2022) was arrested and suffered his disclosure statement regarding his involvement in the present case. He stated that he was known to the co-accused Mikdar @ Mikka and he used to do cleaning work in the CSC Centre of Mikdar @ Mikka for which he received Rs.9,000/- per month. He also stated that he knew one Somil Girdhar and disclosed the manner in which the offence was committed.

Likewise other co-accused were arrested from time to time during the course of investigation into the offence. It was found that the accused had helped a number of persons to reduce their income in the Government records to get certain government facilities thereby causing loss to the public exchequer.

The Counsel for the petitioner contends that co-accused of the petitioner, namely, Ansh, Ankit @ Fauji and Mikdar @ Mikka have been granted the concession of regular bail vide order dated 15.09.2022 and 29.09.2022 (Annexures P-2 & P-3 respectively). He contends that there is no allegation against the petitioner that he had received any amount at any point of time from any person. Even otherwise the offences were triable by court of Magistrate. Petitioner is in custody since 27.03.2022 and none of the 18 prosecution witnesses have been examined so far. The further incarceration of the petitioner was not warranted more so when his co-accused have been granted the concession of bail.

The Counsel for the State submits that a serious offence has been committed whereby loss has been caused to the public exchequer by hacking of the government portal and such kind of cyber crime are on the rise and, therefore, the petitioner is not entitled to the grant of bail. He however does not dispute the period of custody undergone by the petitioner as also the fact that none of the prosecution witnesses have been examined so far.

I have heard counsel for both the sides at length.

Admittedly, the petitioner is in custody since 27.03.2022. None of the 18 prosecution witnesses have been examined so far. The co-accused of the petitioners namely Ansh, Ankit @ Fauji and Mikdar @ Mikka have been granted the concession of bail by this Court vide order dated 15.09.2022 and 29.09.2022 (Annexure P-2 & P-3). This Court in case bearing ***CRM-M-24033-2021(O&M)*** *titled as* ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab*** *Decided on* ***31.08.2022*** has held that in cases triable by the Magistrate unless there are serious allegations of accused absconding from trial, or tampering with the evidence, bail should be declined only in exceptional circumstances. In the present case, nothing specific has been pointed out by the learned State Counsel as to whether the petitioner would abscond or tamper with evidence if granted bail.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Ravinder Kumar** son of Sh. Paras Ram is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

In addition, the petitioner or anyone on his behalf shall prepare an FDR in the sum of Rs.1,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 17, 2022
Vinay

Whether speaking/reasoned	***Yes/No***
Whether reportable	***Yes/No***