IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

****

220

CRM-M-3334-2023
Decided on : April 27, 2023

KULDEEP

...... Petitioner

Versus

STATE OF PUNJAB

...... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Shubham Gawanda, Advocate, for
Mr. Karan Monga, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

****

NAMIT KUMAR, J. *(Oral)*

This second petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.22 dated 05.05.2021 , under Sections 420, 120-B of IPC and Section 66, 66 (C), 66 (D) of IT Act, 2000, registered at Police Station Punjab State Cyber Crime, Phase-IV, SAS Nagar, District SAS Nagar (Mohali).

As per the FIR, the complainant Rajinder Singh Sandhu had got issued some insurance policies for his grand kids and his daughter and these policies were written by a broker. It has been further alleged that after making the initial payments into these policies, nothing much was done after that. It has been further alleged that there are six policies with HDFC Life, some with Birla Sun Life, Bharti Axa, Aegon Life, Future Generli and Bajaj Allianz and in all, there were sixteen policies. It has been further alleged that the complainant has been told by the HDFC Life that all have lapsed in coverage and that one is eligible for surrender value, if they want and the Birla Sun Life are all terminated (which could have been since no premium was ever paid after the initial premium since the complainant did not make payments for those). It has been further alleged that these policies were originally initiated by one Mr. Amit Gupta from Mumbai. It has been further alleged that since no one was servicing the account, the complainant stopped paying the premium. It has been further alleged that the complainant started receiving calls from someone regarding these policies and to resolve the payment issues and refund the money. It has been further alleged that one Ms. Sonia, who said that she can handle his policies and will get the money back and she started asking him for payments to be deposited to service these accounts and follow up with regards to refund of the amount back to the complainant and believing in her, the complainant deposited money into various accounts as per advice given by her, when requested to do so. It has been further alleged that the complainant did get SMS after the payments that certain policy premiums are paid in full, but when the complainant checked with the HDFC Life Office, he found that no premiums were credited to his policy accounts and these were fake text messages. It has been further alleged that the aforesaid Sonia called the complainant once to let him know that she has arranged the refunds and two cheques are ready, but certain premiums must be paid first. It has been further alleged that one cheque was supposed to be for 1.5 crores and another for 40 or 50 lakhs and she wanted the complainant to transfer some money into the accounts to meet some requirements or something for the insurance. It has been further alleged that since the complainant was in US, nothing was done and due to COVID situation, his flight was pushed back a few months, so instead of coming back on January 10, 2021, the complainant returned to India in mid March 2021 and immediately after coming back to India, he started sending Sonia more money as requested and he made payments of about Rs.13 Lakh alone in the month of March and April, 2021 and most of these payments went to an account bearing account no. 100009214201, Branch Yamuna Vihar (Delhi) in the name of Vipin Tomar. During the course of investigation it was found that the co-accused Preeti of the petitioner has impersonated as the aforesaid Sonia, who is alleged to have played an active role in the aforesaid alleged occurrence, whereby the petitioner and the aforesaid coaccused Preeti have cheated the complainant. It has further come out that the present petitioner and his co-accused Preeti, who has impersonated herself as Sonia in connivance with the petitioner, has cheated the father of the complainant to the tune of Rs.13 Lacs alone in the months of March and May, 2021 as the father of the complainant has transferred the aforesaid amount from his bank account no. 100009214201 in the name of the co-accused Vipan Tomar.

Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case and nominated in the present FIR on the disclosure statement of his co-accused. He further submits that the petitioner has neither called the complainant on his mobile nor he has asked anybody to deposit any amount and moreover, he is not the beneficiary of the deposited amount in question. He further submits that the co-accused of the petitioner namely Preeti and Gurmitha Singh Gujral @ Guru have already been granted regular bail by the Co-ordinate Bench of this Court vide orders dated 20.12.2021 and 03.11.2022 passed in CRM-M-52292-2021 and CRM-M-24178-2022, respectively. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 22 prosecution witnesses 10 have been examined and the case is now fixed before the trial Court on 10.05.2023. He submits that petitioner is in custody for 01 year, 07 months and 07 days. He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner. However, he could not dispute that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 22 prosecution witnesses 10 have been examined and the case is now fixed before the trial Court on 10.05.2023.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is more than 01 year and 07 months; investigation is complete; challan has been presented; charges have been framed and out of 22 witnesses, 10 prosecution witnesses have been examined; no recovery has been effected from the petitioner; petitioner is not involved in any other case, trial is likely to take a considerable time and co-accused of the petitioner have already been granted regular bail, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

April 27, 2023
mkkoundal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No