

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.13134 of 2023

Date of decision: 4th May, 2023

Lusi Prween & another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhishek Singh, Advocate for the petitioners.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

The petitioners are seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.14 dated 28.11.2022 under Sections 419, 420, 467, 468, 471, 120-B, 406, 166A IPC and Section 66 of the C/D I.T. Act registered at Police Station Cyber Crime, Palwal City.

Learned counsel for the petitioners submits that in compliance of the order dated 16.03.2023, they have joined investigation and cooperated with the investigating agency, hence, the order granting them interim bail be made absolute.

Learned State counsel, on instructions from Inspector Satya Narayan, has not disputed the factum of the petitioners having joined investigation. However, he has vehemently opposed the prayer made by

the counsel opposite for making interim order dated 16.03.2023 absolute. Learned State counsel contends that there are serious allegations levelled against all the accused including the petitioners of having duped innocent people. It has been submitted that the Govt. of India framed a policy in the year 2019 qua 'thumb cloning' (Aadhar Enable Payment System) for the benefit of poor persons. The poor persons, as per the policy, could go to the money transaction centres and by giving their thumb impressions withdraw money from their respective accounts. Thereafter, the Govt. of Haryana also took a similar initiative by introducing a website named as 'jamabadi.com', which is an online database of the sale deeds. All the accused including the petitioners got copies of the sale deeds from the above website i.e. 'jamabandi.com' and cloned the thumb impressions from the same. After cloning the thumb impressions from the sale deeds, the accused used it for withdrawing money from the money transaction centres. It has been vehemently submitted by the learned State counsel that no doubt, the petitioner No.1 is a lady and she was nominated as an accused on the basis of a disclosure statement made by co-accused Masum Alam, however, she was an active participant in the crime in question as it was her own account which was used for the fraudulent transactions.

Learned State counsel has further submitted that the petitioners along with the other accused, who are all residents of the

State of Bihar, are a part of a big racket and hence, their custodial interrogation would be required to unearth the entire fraud which has been committed by them.

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

As per the allegations levelled in the FIR in question, the petitioners and other accused had committed online fraud upon innocent persons through Aadhar Enable Payment System. No doubt, learned counsel for the petitioners, while controverting the submissions made by the learned State counsel, contended that some amount was indeed transferred from the account of the complainant and in turn credited to the account of the petitioners, however, the same had been done by co-accused Masum Alam, as the latter owed some money to the petitioners, cannot be delved with at the stage of deciding an application for anticipatory bail.

There are serious allegations levelled against the petitioners, who prima facie appear to be a part of a big racket involved in online fraud. This Court concurs with the submissions and the prayer made by the learned State counsel that the custodial interrogation of the petitioners is required in the case in hand to unearth the racket and the fraud committed by the accused including the petitioners. In view of the allegations levelled against the petitioners, they do not deserve the concession of anticipatory bail.

Dismissed.

However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 4, 2023
rps

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