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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-16496-2023
Date of Decision: 17.05.2023

Kamini Pandey

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Randeep S.Dhull, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

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<u>HARSH BUNGER J.</u>

1. Petitioner (Kamini Pandey) has filed the present petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in case FIR No.2 dated 13.01.2023, under Sections 120-B, 419, 420, 467, 468 & 471 of the Indian Penal Code and Sections 66-C & 66-D of the Information and Technology Act, registered at Police Station Cyber Crime,Kurukshetra, District Kurukshetra.

2. Upon issuance of notice, status report by way of affidavit dated 25.04.2023 of Mr. Ram Dutt, H.P.S., Deputy Superintendent of Police, Kurukshetra has been filed on behalf of State of Haryana, which is already on record.

3. Briefly, the aforesaid case FIR has been registered on the

statement of Pritpal Singh s/o Jagender Singh against Sonia Aggarwal, Akansha Verma, Pramod Mathur, Anjali Mathur, Rahul Sharma, Om Prakash Rathor, Nirmala Jain, Yogesh Dixit, Santosh Acharya, Kodar and Aneeta Sharma. It is alleged that accused No.1 (Sonia Aggarwal) had procured information from the complainant through phone by saying that she is an officer in the H.D.F.C. and in case he invests some money in the company then he shall reap high rewards. It is stated that complainant got deceived by her words and invested about Rs.15,00,000/- in the aforesaid company, however, he did not receive any policy of the invested amount. It is alleged that thereafter the complainant was contacted by Akansha Verma and Pramod Mathur from their respective phone numbers, who told the complainant that his file was presently with them and he was due to receive around Rs.44,00,000/- and they also took all the important documents from the complainant. The aforesaid Akansha Verma is also alleged to have given a file number to the complainant. It is next alleged that thereafter, Anjali Mathur, Rahul Sharma, Om Prakash and Nirmala Jain started calling the complainant and they made him invest an amount of Rs.10,00,000/- in an account of the company in question and thereafter, the complainant started having conversations with Yogesh Dixit, Santosh Acharya and Kodar. As per the complainant, the said persons also made him deposit Rs.7,00,000/- in the account of the aforesaid company. It is further alleged that thereafter, Aneeta Sharma was talking to the complainant and she also made him invest Rs.4,50,000/- in the account of said company and also provided him file No.PS3425968. As per the complainant, details of the accounts in which the aforesaid persons made him deposit the amounts in question are as follows:

Sr. No.	*Name of the Bank*	*Account No.*	*I.F.S.C. Code*
1.	*G.B.I.C.*	*10089252463*	*IFSC0020148*

2.	*I.D.F.C. First Bank*	*10090995186*	*0020148*
3.	*IndusInd Bank*	*158800273032*	*INDB0000559*
4.	*Yes Bank*	*006163300004764*	*YESB0000061*
5.	*B.M.L.G.S.T.*	*10086441930*	*IDFB0021331*
6.	*G.B.I.C. Federal Bank*	*19140100065187*	*Federal 0001538*
7.	*I.T.F.T.I. I.D.B.I. Bank*	*0057104000348904*	*IBKL0000004*
8.	*N.P.C.I. Union Bank*	*050622010000714*	*UBIN0905062*

4. It is alleged by the complainant that the aforementioned accused had stolen money to the tune of Rs.50,00,000/- from him and thereafter were refusing to return the same and rather threatening him. Accordingly, the aforesaid case FIR was registered.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is no incriminating material against her. It is submitted that as per FIR No.2 dated 13.01.2023, no attribution has been made to the petitioner in the entire transaction and the only allegation against her is regarding usage of her phone number for plying it in the transactions of the case and making calls to the complainant. Learned counsel for the petitioner submits that mere representation of the call details could not be made as the incriminating evidence against the petitioner. It is next submitted that the petitioner has no connection with the co-accused and she is sought to be implicated in the instant case only on the basis of her two alleged disclosure statements, wherein firstly, she had disclosed the location of alleged money to be in her parental house and then in the second disclosure statement, the location was altered to be of her house in Delhi, from where she was apprehended. It is submitted that there is no material evidence to link the petitioner with the instant case. Learned counsel for the petitioner states that the petitioner was arrested in this case

on 20.01.2023. Thereafter, she had applied for grant of regular bail before the Court of Additional Sessions Judge, Kurukshetra, which was wrongly declined vide order dated 02.03.2023 (Annexure P-1). Learned counsel for the petitioner submits that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

6. Per contra, learned State counsel opposes the prayer of petitioner for grant of regular bail on the ground of seriousness and gravity of the offence. Learned State counsel has referred to paragraphs No.3 to 6 of the status report, which read as under:-

> "*3. That during the investigation on 17.01.2023 the complainant of the present case, namely, Pritpal Singh was joined in the investigation of the present case and the documents related to the case were taken into police possession and accused Kamini Pandey, who introduced herself as Anita Sharma being officer of Policy Agency and calling on mobile phone of complainant Pritpal Singh through video call on WhatsApp No.8168284043 and photographs of screen shot of Kamini Pandey Alias Anita Sharma were taken into police possession. On 18.01.2023 the details of complainant's bank account number 917010052809456 IFSC UTIB0002238 Axis Bank Kanipala and account number 30034243113 IFSC SBIN0016967 State Bank of India Shahabad, were taken into police possession. Call details of those mobile number, from which calls were being received by complainant for fraudulent transfer of money, were received. On 19.01.2023, the location of mobile number 6398134729 was obtained, which was found in Bhajanpura, Delhi, on 19.01.2023 as per the location, on showing the photo of Anita Sharma alias Kamini Pandey in the neighborhood, the house was identified by the informant. Arriving at 71A Gali No.3/6 Subhash Gali, Bhajanpura Delhi, according to the law, the*

accused Anita Sharma alias Kamini Pandey was joined the investigation and accused Kamini Panday was arrested as per law and intimation regarding her arrest was given to her legal heirs. The accused Kamini Pandey alias Anita Sharma produce the mobile used in the incident VIVO B SIM no. 6389314729 and one Mobile Brand Samsung Galaxy colour Black Including Sim no. 82878077872 were aken into police possession and Section 467, 468, 471, 120-B IPC were invoked in the case and the accused Kamini Pandey admitted her crime and made her disclosure statement. On dated 20.01.2023 the complainant identified the accused Kamini Pandey alias Anita Sharma. On the disclosure statement of the accused Kamini Pandey to get the recovery and arrest of co-accused two days Police remand were got from ld. CJM Court Kurukshetra. On 21.01.2023 the above named accused was denied her earlier statement and made again her disclosure statement and on that disclosure statement amount of Rs. 1 lakh was recovered from accused/petioner house in Delhi. The arrest of other accused persons is still pending. ***The photographs/ screen shots of present petitioner/ accused produced by complainant which were taken while she was talking through video calls with the complainant are enclosed herewith as Annexure R-1 and bank records of complainant is also taken by the police also enclosed herewith as Annexure R-2 for kind perusal of this Hon'ble Court.***

4. That during investigation of the present case that present petitioner/ accused also sent fake letter of RBI on Whats App of the complainant phone number. Were also taken in police possession and copy of the same is also enclosed herewith as ***Annexure R-3*** *for kind perusal of this Hon'ble Court. However, the whats App message in which the present petitioner/ accused sent the bank accounts to the complainant on his mobile phone are also enclosed herewith as* ***Annexure R-4*** *for kind perusal of this Hon'ble Court.*

5. That the accused/petioner Kamini Pandey Alias Anita

Sharma sent her ID card of NPCI officer to the complainant which was taken in to Police custody. That I card of NPCI was sent to NPCI office through mail for verify the ID card. The NPCI office reply about the authenticity of this I card ***"Dear Sir, as discussed on call we confirm you that your provided NPCI ID card is fake. We also checked that we do not have any employee by the name Anita Sharma in our active/inactive data base".***

6. That on the perusal of the records received from the account of the complaint the amount i.e.5,78,750/- Rupees were found transferred in the account Number 050622010000714 IFSC Code UBIN0905062 Union Bank of India Luxmi Nagar Delhi in the name of NPCI, which was sent by the present petitioner/ accused to the complainant on his Whats App number 9416157179. Their record was taken from Union Bank of India Luxmi Nagar Delhi. The bank replied "This is with reference to your letter dated 12.04.2023 regarding account Number 050622010000714. This is inform you that account number does not belong to NPCI, It is in the name of Mr. Dinesh Parshad.

7. Learned State counsel further submits that police has presented challan against the petitioner on 18.04.2023. It is submitted that the petitioner has committed a crime of serious nature and in case she is released on bail, she might influence the witnesses and also abscond and delay the trial. Accordingly, prayer for dismissal of the instant petition has been made.

8. I have heard learned counsel for the parties and perused the paper book and also the status report.

9. Petitioner is stated to have introduced herself as Aneeta Sharma, being the Officer of Policy Agency, to the complainant, and she had been calling on the mobile phone of the complainant Pritpal Singh through video call on WhatsApp No.8168284043 and photographs of screen shots of Kamini Pandey @ Aneeta Sharma have been taken into police possession.

Call details of the mobile numbers, from which calls were being received by the complainant for fraudulent transfer of money, have also been collected.

10. During the course of investigation, the petitioner is stated to have admitted her crime and suffered a disclosure statement. Even the complainant has identified the petitioner (Kamini Pandey @ Aneeta Sharma) and on her disclosure statement, Rs.1,00,000/- was recovered from her house in Delhi. During the investigation, it has been further revealed that the petitioner had sent fake letter of R.B.I. on WhatsApp number of the complainant. Further, the petitioner is stated to have sent her I.D. Card of N.P.C.I. Officer to the complainant, which was got verified from the N.P.C.I. Office and the same was found to be fake and it was further found that there was no employee by the name of Aneeta Sharma in the active/inactive data base of N.P.C.I. Office. The investigation being carried out so far clearly indicates petitioner's complicity towards crime. Apart from the above, the co-accused in the present case are yet to be arrested.

11. Furthermore, when the accused is facing serious charges, she may develop temptation to jump the bail. The apprehension expressed by the State counsel that if released on bail, there is every likelihood of the petitioner trying to tamper with the prosecution evidence by giving threats and inducement to the prosecution witnesses and absconding even to prolong the trial, cannot be brushed aside lightly. Accordingly, I do not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the present petition is dismissed.

12. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

13. All pending application(s), if any, shall also stand closed.

17.05.2023 **(HARSH BUNGER)**
Apurva **JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No