

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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Date of Pronouncement: 15.05.2023  
CRM-M 20195 of 2022

Kishan Lal @ Sheri Maan Rana

.....*Petitioner*

*Versus*

State of Haryana

.....*Respondent*

CRM-M-27343-2022

Sharan Pal Singh

.....*Petitioner*

*Versus*

State of Haryana

.....*Respondent*

**CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.**

Present: Mr. Jitender Malik, Advocate for the petitioner  
in CRM-M-20195-2022.

Mr. Sandeep Kumar Tada, Advocate for the petitioner  
in CRM-M-27343-2022.

Mr. Karan Sharma, DAG, Haryana,

**GURBIR SINGH, J**

Since identical questions of law and facts are involved in both the above said two petitions, the same are being disposed of by this common order.

The petitioners have filed the present petition praying for grant of anticipatory bail in case FIR No.09 dated 02.02.2022, under Sections 420, 120-B IPC, and Sections 66-D and 75 of Information Technology Act, 2000, registered at Police Station Cyber Crime, District Gurugram.

Status report by way of affidavit of Dr. Kavita, HPS, Assistant Commissioner of Police, Cyber, Gurugram on behalf of respondent-State, has already been filed. The same is taken on record.

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As per allegations, on 02.02.2022, an information was received by Insp. Azad Singh from CM Flying squad that a fake call centre was being run by Sharry Maan, Saajan and Sahil Bakshi at 4<sup>th</sup> Floor of Tower No.1 of DLF Corporate Green, Sector-74A, Gurugram and the money was being fraudulently obtained in the garb of providing technical support after sending Pop-ups through computer to the people of the USA. On receipt of information, a raiding team was formed and the said team reached the above mentioned place. A raid was conducted along with the team of CM Flying Squad. The ACP, DLF was also called at the spot. Some persons were found using headphones and conversing with people in English language. The photographs were taken and video was prepared. The persons namely Gurjant Singh, Salman Shiekh and Manpreet Singh were found present there. The said Manpreet told that Sharry Maan @ Rana, Saajan and Sahil Bakshi @ Inder were the owners of the call centre and the calls were received through vendor namely Viraj, Manpreet, Salman Shiekh and Gurjant Singh who were Managers/Team Leaders. They were asked to produce the DOT License, Company Registration documents, Mode of Payment, Source of Customer Data etc. However, Gurjant Singh told that they send pop-ups to the computers of USA Citizens and they called at the toll free No.18556730813. They were regularly changing their toll free numbers. They were misguiding the USA citizens regarding solving the technical problems and they made them download the app 'ultraviewer.net.' They obtained the remote access of the customers and demanded the amount of 500 to 2000 Dollars. They made customers purchase the gift cards of Google, Ebay, Target, Apple, Nike etc and obtained the numbers of the said gift cards. They sent the numbers to their known persons outside India and

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got the said gift cards redeemed. They also obtained the money through BTC. On checking the desktop/device, the X-Lite/Test now software was found to be used for inbound and outbound calling. One desktop hard disk 160 GB, three mobile phones, the print outs of chats made by Sharry Maan and Sahil Bakshi and the script used for conversing with USA Customers were recovered from Manpreet Singh. One Laptop and two mobile phones were recovered from Gurjant Singh. The data of hard disk was taken in a pen drive. All the above said articles were taken into police possession. The present case is got registered.

The above mentioned articles were sent to DITAC Lab for examination/retrieval of data.

Learned counsel for the petitioner-Kishan Lal @ Sheri Maan Rana submits that the allegations against him are that he along with other co-accused namely Sajjan and Sahil Bakshi was the owner of the fake call center. The allegations are totally baseless and false. The co-accused Gurvinder Singh s/o Kuldeep Singh had taken the premises in question on lease for a period of 11 months commencing from 01.01.2022 for spreading his business of property. The said Lease Deed is annexed as Annexure P-3. He further submits that the leased premises was further subleased in favour of Gurjant Singh for a period of five months by Gurvinder Singh commencing from 15.01.2022 vide Lease Deed dated 15.01.2022 (Annexure P-4). He submits that co-accused Gurvinder Singh has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 08.04.2022 passed in CRM-M-15166-2022 (Annexure P-5). The co-accused Gurjant Singh has already been granted regular bail vide order dated 11.02.2022 passed by learned Addl. Chief Judicial Magistrate,

Gurugram. The petitioner is nominated on the basis of disclosure statement made by the co-accused. Police did not receive any complaint of defrauding any person from any citizen of USA.

Learned counsel for the petitioner-Sharan Pal Singh has submitted that the petitioner has been implicated only on the basis of disclosure statements of co-accused namely, Gurjant Singh, Salman Sheikh and Manpreet Singh, who were apprehended at the spot. He is not in any way connected with the instant case. He is not named in the FIR. It is further submitted that petitioners are ready to join the investigation. No recovery is to be effected from the accused. Entire case is based on electronic evidence, therefore, the petitioners may be released on bail in the event of arrest.

Learned State counsel has opposed the petitions. It is submitted that both petitions have been filed by one and same person. He further submits that earlier the petitioner had fraudulently obtained interim relief by wrongly stating his name as Kishan Lal @ Sheri Maan Rana, aged 45 years son of Sh. Pokhar Das, resident of House No.K-175, Majlis Park, Adarsh Nagar, Delhi, at present resident of House No.8309, 2<sup>nd</sup> Floor, Majlish Park, Adarsh Nagar, Delhi. The said name and address were found to be fake on verification. The real name of Sharan Pal @ Sheri Maan Rana has come-forth to be Sharan Pal Singh son of Darshan Singh resident of House No.A-309 2<sup>nd</sup> Floor Majlis Park Adarsh Nagar Delhi. The petition CRM-M-20195-2022 by mentioning address as House No.8309, 2<sup>nd</sup> Floor, Majlish Park, Adarsh Nagar, Delhi was filed. The co-accused namely, Sahil Bakshi had also filed a bail application in the learned Court by using the fake name of Atif Sayed with fake address whereas his name is Sahil Bakshi @ Inder.

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The said bail application was dismissed by the Court of Ld. ASJ, Gurugram on 15.03.2022. The ID CAF and call details of the mobile phones used by the petitioner Sharan Pal Singh @ Sheri Maan @ Rana and co-accused Sahil Bakshi were obtained. The ID CAF of the petitioner and the said co-accused contain their photographs but do not contain their signatures. The address of Faridabad and Delhi mentioned in the ID CAF were found to be fake. From the call details, the location of the petitioner was found to be that of the place of occurrence and he has been found to have conversed with co-accused Sahil Bakshi @ Inder, Manpreet Singh, Gurjant Singh and Gurvinder Singh. Notice under Section 41(1)(A) Cr.P.C. was issued to the petitioner Sharan Pal Singh @ Sheri Maan @ Rana on 27.04.2022, 03.05.2022, 10.05.2022 and 28.05.2022 for joining the investigation of the present case. He was not found at his address. The petitioner has not joined the investigation till date. He further submits that co-accused Sahil Bakshi @ Inder, Saajan, and Viraj have also not joined the Investigation till date and they are yet to be apprehended. The investigation of the present case is going on. The custodial interrogation of the petitioner is required for recovering the amount of approx. Rs. 15-20 Lakhs earned from the said fake call centre (as disclosed by the co-accused Gurjant Singh, Manpreet Singh and Salman Shiekh in their disclosure statements) and for obtaining information about the route through which the money came from the USA. The equipment used for running the fake call centre is to be recovered and the information about the other accused is to be obtained and the modus-operandi adopted by the accused is to be ascertained. During enquiry, it was found that real name and address of accused Sharan Pal @ Sheri Maan Rana has come forth to be Sharanpal Singh son of Darshan Singh resident of

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H.No.A-309, 2<sup>nd</sup> Floor, Majlis Park, Adarsh Nagar, Delhi. Both the petitions have been filed by one and the same person to mislead the Court and to get relief in an illegal manner. Enquiry report of SHO, PS Cyber South Gurugram is annexed as Annexure R-4. Thus, the present petitions deserve to be dismissed.

I have heard the submissions of learned counsel for the petitioners and learned State counsel.

The co-accused Gurjant Singh, Salman Shiekh and Manpreet Singh were found present at the spot during raid. They made statements before the raiding party that Sherry Maan @ Rana resident of Adarsh Nagar, Delhi (7838838396), Sajan resident of Zirakpur, Punjab, Sahil Bakshi @ Inder resident of Delhi (9891671583), were the owner of the said call center. They made statements before lodging of the FIR and before their arrest. After registration of FIR, their amended disclosure statements were recorded. They named one person as Sharan Pal @ Sherry Maan @ Rana. SHO Gurugram conducted enquiry and submitted the enquiry report (Annexure R-4) which is as under:-

*' 1.During the course of investigation, Accused Gurjant Singh, Manpreet Singh and Salman Shiekh were arrested on 02.02.2022 and their disclosure statement were recorded on 02.02.2022 Their amended disclosure statement were recorded also. As per their amended disclosure, Sharan Pal Singh @Sheri Maan, Sahil Bakshi resident of Delhi and Sajaan Resident of Chandigarh were running fake call centre whereas the name of Kishan Lal was not come in light in their disclosure statement.*

*2. During the course of investigation, Kishan Lal @ Sheri Maan Rana 5/0 Pokhar Dass, resident of House No K-175, Majlis Park, Adarsh Nagar, Delhi Now at House no 8309, 2nd floor, Majlis Park, Adarsh Nagar, Delhi applied for*

*the anticipatory bail before the Court of session, Gurugram and the same was dismissed by the Court of Ld. ASJ, Gurugram on dated 15.03.2022. Whereas the named of Kishan Lal was not disclosed by the arrested co- accused Gurjant Singh, Manpreet Singh and Salman Shiekh in their disclosure statement and The address mentioned by him in the bail application was verified from one Parveen Goel, resident of Majlis Park, Delhi and Naveen Kumar Tyagi, Ex-Chairman, Ward Samiti, Civil Lines Area, North Delhi Municipal Corporation.*

*3. Kishan Lal @ Sheri Maan Rana approached the Hon'ble High Court for seeking anticipatory bail vide CRM-M No 20195-2022 and he was granted interim relief by Hon'ble High court on dated 12.05.2022. However he did not join the investigation to till date.*

*4. During the course of investigation, The Real name & address of accused Sharan pal@sheri maan Rana has come forth to be Sharanpal Singh S/o Darshan Singh R/o H.no A-309, 2nd Floor, Majlis Park, Adarsh Nagar, Delhi. The notice U/s 41(1)(A) Cr.PC was issued to him on dated 27.04.2022, 03.05.2022 and 28.05.2022 for joining the investigation but he did not join the investigation to till date. The above mentioned was visited by police officer on dated 12.09.2022 for serving notice U/s 41-A Cr.PC, however, Sharan pal Singh no more loner found to be residing at the above address.*

*5. During the course of investigation, the call detailed location of Sharan Pal Singh @ Sheri Maan was found to be of the place of occurance and he has been found to have conversed with the co-accused Gurjant Singh, Manpreet Singh and Gurvinder Singh.*

*6. After that Accused Sharan Pal Singh @ Sheri Maan approached the Hon'able High Court for seeking anticipatory bail vide CRM-M No 27343- 2022 and the same is pending before the Hon'able High Court.*

**Conclusion** - *On the basis of above facts found that CRM-M*

*No 20195-2022 titled Kishan Lal @ Sheri Maan Vs State Of Haryana and CRM-M No 27343- 2022 Titled as Sharan pal Singh Vs. State of Haryana file by Sharanpal Singh S/o Darshan Singh R/o H.no A-309, 2nd Floor, Majlis Park, Adarsh Nagar, Delhi to mislead the Hon'ble Court and only to get relief in an illegal manner.'*

In petition bearing CRM-M-20195-2022, which was filed by the petitioner named Kishan Lal @ Sheri Maan Rana, interim relief was granted. No identity proof was annexed with the petition. It is specific case of the prosecution that none appeared before the Investigating Officer on behalf of Kishan Lal @ Sheri Maan Rana.

The second petition bearing No.CRM-M-27343-2022 was filed by a person namely Sharan Pal Singh. Copy of Aadhar Card annexed showing the address of the petitioner as 'Son of Darshan Singh, M-3/9 Ground Floor, Model Town-3, Model Town III, North West Delhi-110009'. In the memo of parties, address of the petitioner is written as under:-

*'Sharan Pal Singh son of Darshan Singh,  
Resident of A-309, 2<sup>nd</sup> Floor Majlis Park,  
Adarsh Nagar, Delhi.'*

Since the specific report of the concerned SHO is that both the petitions have been filed by one and the same person, petitioners have tried to commit fraud with the Court and petitioners are not entitled for any relief on this ground.

From the call detail record of phone No.7838838398 which is of petitioner, there was constant communication under the same tower location between the said number and another number.

It is a case where custodial interrogation is necessary to bring truth. When a person is equipped with favorable order of anticipatory, but

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then interrogation becomes a mere ritual.

In view of foregoing discussion, no ground is made out for granting anticipatory bail to the petitioner and therefore, both the petitions stand dismissed.

However, anything stated above shall have no effect on the merits of the case.

Kishan Lal @ Sheri Maan Rana filed application bearing No.68 of 09.03.2022 (CIS No.BA-744-2022) which was decided on 15.03.2022 by Sh. Jasbir Singh, Id. Additional Sessions Judge, Gurugram. Sharan Pal Singh @ Sheri Maan Rana @ Rana filed application for grant of anticipatory bail CIS No.BA 4403-2022 decided on 17.06.2022 by Sh. Rahul Bishnoi, Id. Additional Sessions Judge, Gurugram. Accordingly, both the petitions were filed in this Court. There is specific report (Annexure R-4) of SHO, PS Cyber Crime South, Gurugram that both the petitions were filed by one and same person. So, Id. Sessions Judge, Gurugram, is directed to inquire into the matter himself or get the same inquired from some officer not below the rank of Additional Sessions Judge whether both applications were filed by one and same person and then take action as per law against all the persons found involved who had attempted to get the order by illegal means. It is requested to send the action taken report within two months.

15.05.2023  
jyoti3

(GURBIR SINGH)  
JUDGE

Whether speaking/reasoned: Yes/No  
Whether Reportable: Yes/No