

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50425-2023 (O&M)
Date of decision: 11.10.2023

Vaibhav GargPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Surinder Singh Duhan, Advocate,
For the petitioner.

Mr. Vikas Bhardwaj, A.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Following the denial of bail by the learned trial court, the petitioner is now before this court seeking his release as an undertrial in a case with FIR No.15 dated 19.01.2023, registered under Sections 420, 120-B, 406 of the Indian Penal Code, 1860 (IPC), (Section 467, 468 and 471 of IPC added subsequently) at Police Station, City Pehowa, Kurukshetra, District Kurukshetra.

2. The prosecution's case is that Aditya Behal, along with several other residents of District Kurukshetra, lodged various complaints. These complaints allege that co-accused Pardeep Tanwar, who had met him a few days ago, introduced himself as a retired Army personnel and claimed to be the Managing Director of a company dealing in 'Crypto' and 'Forex Trading'. The company was initially known as 'Tether World'; subsequently, the name of the same was changed to 'Dolphin International'. Pardeep Tanwar and his partners portrayed themselves as foreign exchange trading experts and promised investors double the return on their initial investments within 120 days. He (Pardeep Tanwar) and his three associates were engaged in field jobs. According to the complainant, for a few days, the company (Dolphin International) continued to work as assured by the accused. However, when innocent people

who had invested their money did not receive the promised returns, they tried to contact co-accused Pardeep Tanwar, who had claimed to be the Managing Director of the company.

2.1 All the investors were assured that payouts would be issued within 7 days. On 15.09.2022, as alleged by the complainant, the company issued fake tokens (Dolphin coins) with a market value of zero. When this fact became known to the innocent investors who had invested their hard-earned money, they attempted to contact Pardeep Tanwar and his associates. To their dismay, they found that all the accused had switched off their mobile phones, and their whereabouts could not be traced. About 80-90 other residents of the area filed separate complaints, and their statements were recorded. In response to these complaints, the police initiated an investigation. They recorded statements from numerous complainants and put the accused individuals' mobile phone numbers under surveillance. Call records and bank statements revealed that money had been deposited into the accused's bank accounts through various means, including cash, RTGS, and Paytm. It was also discovered that Pardeep Kumar and Malkit Singh, two of the accused, were already in jail in a similar case in Ambala. Their production warrants were obtained from the concerned Court in Ambala, after which both these accused were joined in the investigation and interrogated. During this, it came to the notice of the Investigating Agency of the State that the accused had prepared two fake websites by the names of 'www.tetherworld.net' and 'www.dolphininternational.net,' wherein incorrect facts were mentioned, and innocent people were induced to invest money with the assurance that within a few days, they would receive double the amount invested.

2.2 The accused individuals sought the help of a software professional, Vaibhav Garg, to create the fake websites. They paid him Rs. 1 lakh for the software, which could be used on mobile phones and laptops. The website falsely claimed approval from the Government of India and operated in the Kurukshetra and Ambala districts. Illiterate and innocent individuals invested substantial sums of money, hop-

ing for double returns within 120 days. To evade legal scrutiny, the accused changed the company's name from 'Tether World' to 'Dolphin International' and provided investors with worthless 'Dolphin coins.' As a result, people began to question the motive of the scheme, leading to the registration of criminal cases against the accused. The petitioner was arrested on 28.03.2023 and has been in custody since then.

3. Learned counsel for the petitioner argues that the petitioner has no connection with the alleged offence. An FIR was registered against Pardeep Tanwar, Malkit Singh, Hari Om Rana, and Rahul Rana. The petitioner was arrested during the course of the investigation based on the disclosure statement of co-accused Pardeep Tanwar and Malkit Singh, who were also accused in FIR No. 527 dated 12.10.2022 for the offences punishable under Section 406, 420, and 120-B of IPC. The petitioner is a software engineer, and the role attributed to him is that he prepared fake websites by the name of 'www.tetherworld.net' and 'www.dolphininternational.net' for the co-accused Pardeep Tanwar, Malkit, Hari Om, and Rahul Rana. The petitioner claims to have been falsely implicated in the present case.

3.1 He further submits that the petitioner is not required for further custodial interrogation. There is no likelihood of the petitioner tampering with evidence or influencing prosecution witnesses. The petitioner is not involved in any other case.

4. On the other hand, the learned State counsel strenuously opposes the petition, expressing concerns about the possibility of the petitioner fleeing from trial proceedings if granted bail. He submits that the allegations against the petitioner are serious. However, he admits that no other case is pending against him.

5. I have heard the rival contentions of the learned counsels for the parties and have reviewed the case file.

6. In response to a query from the Court, under instructions from SI Mahender Singh the learned State counsel informs that charges were framed on 17.07.2023 after the challan was filed. Investigation concerning the petitioner is complete, and he is not required for custodial interrogation.

7. At this stage, allegations against the petitioner are a matter of trial. Of the twenty-five prosecution witnesses, six have been examined so far. Conclusion of the trial is likely to take a long time. Bail serves the purpose of allowing an accused to remain free until their guilt or innocence is determined. In contrast, the petitioner has been in detention since March 28, 2023, for more than 06 months.

8. The petitioner's continued preventive custody is based on an unsubstantiated suspicion that he might tamper with evidence or influence witnesses. The offence allegedly committed by the petitioner is non-violent in nature, and in that sense, his release on bail does not pose a threat to society at large by committing any violent crime.

9. The petitioner is stated to be a 30-year-old family person and is the sole breadwinner of his family members. They are living in sheer penury in his absence. He has already lost his livelihood due to prolonged incarceration. The petitioner is not a flight risk in any manner, given that he has a family to look after, has a fixed abode, and has a clean record.

10. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Illaqa Magistrate/Duty Magistrate, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

12. In case, petitioner is found involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

13. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the li-

mitted purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

14. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

11.10.2023
vandana

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