IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101 **CRM-M-57907-2023(O&M)**
Date of Decision : **December 08, 2023**

JASPREET @ JASPREET KUMAR .....Petitioner

VERSUS

STATE OF PUNJAB .....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. M.S.Sachdev, Advocate for the petitioner.
Ms. Navreet K. Barnala, AAG, Punjab.
Mr. Kamaljit Singh Dhillon, Advocate for the complainant.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.215 dated 28.9.2023, under Sections 406/420/120-B of IPC, registered at Police Station Division No.8, District Police Commissionerate, Jalandhar.

2. This Court on 1.12.2023 had passed the following order:-

> "1. Mr. Kamaljit Singh Dhillon, Advocate, records his appearance on behalf of the complainant, under a validly executed Vakalatnama, which is taken on record.
> 2. In compliance of the order made by this Court on 17.11.2023, the learned State counsel has filed affidavit of Swapan Sharma, IPS, Commissioner of Police, District Jalandhar Commissionerate, on behalf of the respondent-State of Punjab, which is taken on record.
> 3. A copy of the affidavit (supra) is supplied to the learned counsel for the petitioner, as also to the learned counsel for the complainant.
> 4. List on 08.12.2023 in the urgent list."

3. On the last date of hearing, learned counsel for the petitioner while placing reliance upon some of the complaints/representations had submitted that he is infact one of the victims and unfortunately higher in the block chain marketing and that is why he has been made accused in the instant FIR.

4. Considering the arguments of the learned counsel for the petitioner, this Court had directed the Commissioner of Police, Jalandhar to file a specific affidavit therein explaining the modus of crime, the illegality carried out in the business and the role of the petitioner.

5. The allegations levlled in the FIR reveal that one Sanjeev Kumar, Neeraj Kumar, Sukhdev Thakur, Neil Dhiman and Subhash Sharma used to conduct seminars to buy crypto currency in block chain marketing at Jalandhar and Amritsar and assured to make double profits in 11 months. The complainant and other associates after being influenced and allured for getting higher profits upon buying crypto chain marketing had collectively transferred money online and in cash to the accounts of Jaspreet Kumar i.e. present petitioner, Sanjeev Kumar and other persons. The complainant stated that by creating companies named HYPENEXT, VOSCROW AND KORVIO WALLET, the accused have cheated the gullible people to the tune of ₹11,000 crores and the complainant alleged that the accused had promised them to double their money in 11 months and the complainant had been cheated of ₹84,52,000/- and this amount had been transferred online into the accounts of Gaurav Dhiman, and Gaurav Dhiman after joining the

investigation stated that the money was deposited by Arvind Kumar in his account. He used to Google Pay that money at the mobile of Subhash Sharma from which it is transpired that the accused on the pretext of selling DGT coins had defrauded innocent people for crores of rupees.

6. It was also specifically replied in the affidavit sworn by the Commissioner of Police, Jalandhar and the relevant extract reads as under:-

> "7. That it is submitted that this Hon'ble Court vide order dated 17.11.2023 raised 3 Queries i.e. 1) to explain the modus of crime, 2) the illegality in the business and 3) Role of the petitioner.
>
> 8. That it is humbly submitted that in reply to the first query raised by this Hon'ble Court ie, to explain the modus of crime, it is submitted that the modus of the crime committed in the FIR No. 215 (Supra) is that the accused persons made companies in the name of HYPENEXT, VOSCROW AND KORVIO WALLET and lured the innocent people by giving them assurance that their money will be doubled in 11 months and committed fraud upon innocent persons to a tune of approximately Rs.11,000 Crore. That complainant deposited sum of Rs.96,00,000/- for 11 months in KORVIO WALLET on the saying and luring of Jaspreet Kumar. That further Jaspreet Kumar also got transferred money in his account and he in connivance with Sukhdev Thakur, Neel Dhiman, Neeraj Kumar and Subhash Sharma committed fraud.
>
> 9. That in reply to the second query raised by this Hon'ble Court i.e. the illegality in the business, it is submitted that the petitioner alongwith the other accused

persons made firms in the name of HYPENEXT, VOSCROW AND KORVIO WALLET and enrolled innocent persons and lured them to invest money on the pretext that their money will be doubled in 11 months.

That it has further come on record during the investigation, that the petitioner and the other accused persons, shut down the websites of the firms which they made and also stopped taking calls and did not meet with the persons who invested, after taking the money from complainant and other persons.

10. That in reply to the third query raised by this Hon'ble Court i.e. the role of the petitioner, it is submitted that the petitioner has played an active role in the commission of offence in the FIR No. 215 (Supra), by luring the complainant to deposit sum of Rs. 96,00,000/- for 11 months in KORVIO WALLET and also got transferred money in his account from the complainant, on the pretext that their money will be doubled in 11 months.

11. That it is also pertinent to mention here that the Petitioner Jaspreet @ Jaspreet Kumar also filed a representation simultaneously by stating that the fraud has been committed upon him. The said representation was endorsed with No. 1596/Peshi dated 13.09.2022 and was marked to Incharge, Anti Fraud Staff. That during the course of inquiry, prima-facie it was found by Inspector Kuldeep Singh, Anti Fraud, that fraud was committed upon Jaspreet @ Jaspreet Kumar and therefore, the report was forwarded to the Senior Officer i.e. ACP, Cyber Crime to be considered alongwith the representation No. 3855-DCP dated 12.09.2022 (on which the present FIR has been registered). Thus, on

considering the report, the senior officer i.e. ACP, Cyber Crime came to a conclusion that already the complaints/representations of similar manner were pending and therefore, representation of Jaspreet @ Jaspreet Kumar was also clubbed with the other representations.

12. That during the further inquiry, it was found that Jaspreet @ Jaspreet Kumar himself has committed fraud upon the people and there were bank entry(s) in his account(s) and he himself was an accused in FIR No. 215 (Supra). Thus, the representation No. 1596/Peshi dated 13.09.2022, submitted by Jaspreet @ Jaspreet Kumar was directed to be filed and sent to the record room."

7. A perusal of the above contents of the affidavit clearly depict that the present petitioner is one of the persons, who actively participated in the commission of alleged crime. The plea that he is also a victim is found false. Therefore, this Court considering the magnitude and gravity of the offence and considering the fact that the custodial interrogation of the present petitioner is required to unearth the trail of money as well as of the electronic and the documentary evidence, the petitioner does not deserve the concession of anticipatory bail.

8. Accordingly, the instant petition is, hereby, dismissed.

9. All the pending applications, if any, stand disposed of.

(KULDEEP TIWARI)
December 08, 2023 **JUDGE**
ajay-1

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