

CRM-M-5277-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5277-2024
Reserved on: 01.08.2024
Pronounced on: 30.08.2024

Rahul Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
124	14.02.2023	Yamunanagar City, District Yamunanagar	120B, 406, 420, 467, 468, 471, 201 & 506 IPC and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act 2013

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. As per para 6 of the petition, the accused has the following criminal antecedents:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1	527	12.10.2022	120-B, 406 & 420 IPC (later on added Sections 467, 468, 471 & 201 IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act 2013)	Baldev Nagar, District Ambala
2	15	19.01.2023	120B, 406, 420, 467, 468, 471 IPC	City Pehowa, District Kurukshetra

3. Facts of the case are being taken from reply dated 13.03.2024, which reads as under:-

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“...it is submitted that a complaint no. 10866 dated 17-10-2022 moved by the complainant Raj Pal son of Sh. Raghbir Singh to the Superintendent of Police, Yamuna Nagar and after inquiry by the Economic Cell Office was received in the Police Station City Yamuna Nagar, Distt. Yamuna Nagar alleging the cheating by the petitioner and his co-accused namely Pardeep Tanwar, Malkeet Singh and Hari Om Rana on the pretext of huge profits on deposit in Forex or Crypto Trading in their project tether world and thereby receiving an amount of Rs.40,000/- from the complainant and several lacs from other depositors by cheating and defrauding the complainant and other depositors and threatened to kill the complainant and other depositors. On the basis of said written complaint the above mentioned FIR No. 124 dt. 14-02-2023 U/s 406, 420, 120-B IPC was registered at Police Station City Yamuna Nagar, Distt. Yamunanagar. In this regard, the copy of F.I.R. is already attached with the petition as Annexure P-1”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State opposes the bail by making reference to role of the petitioner as mentioned in the reply, which reads as follows:-

“That with regard to the role of the petitioner it is submitted that the petitioner is the mastermind behind the commission of present offence. The petitioner along with his co-accused Pardeep Kumar, Malkeet Singh and Hari Om hatched conspiracy to established fictitious company similar to Crypto World Company and usurps money from the public on the pretext of profit within a short span. In pursuance of criminal conspiracy the petitioner and his maternal uncle Pardeep Kumar got prepared software and website www.tetherworld.in in the name of Tether World Company from software developer Vaibhav Garg and the above said accused Pardeep Kumar was made as Admin of the company whereas the petitioner is used to operate the software of the company and thereby defrauded the complainant and other victims and managed to usurp Rs.1,65,64,214/-. The petitioner received Rs.31,26,000/-in cash from the victims. It was further revealed during investigation, that the bank account number 215301001367 of ICICI Bank, Branch Babain, Distt. Kurukshetra which was earlier in the joint name of the petitioner and co-accused Hari Om was being operated by the petitioner and in the said bank account an amount of Rs.84,76,064/ was deposited by the victims of the present case. It is also pertinent to mention here that the "E-mail id royalsroyal17@gmail.com" registered in the said bank account belongs to the petitioner. Still further the mobile no. 95692-09300 registered in the above said A/c number was being used by the petitioner. Even as per the disclosure of the co-accused Hari Om (owner of the said Account) states that the above said account was being operated by the petitioner only. Thus, the petitioner played active role in the aforesaid offence. The copy of the statement of account pertaining above said bank account number is attached here with for the kind perusal of this Hon'ble Court as Annexure R-2. The copies of statements of the victims namely Rajpal, Rohit Saini,

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Ashwini Verma, Sunil Kumar, Surender Singh, Ankur Kamboj, Yashpal, Sanjeev Kumar, Sanjay Kumar, Roop Rani and Aman Kumar are attached here with for the kind perusal of this Hon'ble Court as Annexure R-3 to Annexure R-12.”

6. As per paragraph 8 of the bail petition, the petitioner has been in custody since 28.07.2023. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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13. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.