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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-7546-2024 (O&M)
Date of decision : 04.04.2024**

Udipta Kumar Behera

...Petitioner(s)

Versus

State of Haryana ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kaushal Kalyan, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Viren Sibal, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.182 dated 11.05.2023, under Sections 406, 420, 467, 468, 471, 506 of the Indian Penal Code, 1860, registered at Police Station Chandimandir, District Panchkula.

2. Allegations are that petitioner duped the informant (Pritpal Singh) as well as other victims to the tune of Rs.1.55 crore, on the pretext of making investment and relevant part of the FIR reads as under:-

"I, Pratipal Singh son of Kulbir Singh resident of 85, Sector 56, Panchkula, Haryana- 134116, currently working Technical Lead in a private company is also authorized by Aarti Jalan, Ramneet Srivastava, Vijay Kumar Nagyal,

Shrinivas Seetharam Prabhu, Amarjeet Kaur to file this complaint on their behalf, wish to bring to your kind attention the fraud, cheating and forgery done at the behest of the person namely Udipta Kumar Behera R/o 761, Gudpada, Post- Sovarampur, Bhaskarganj, Infront of Dr. Saranghi lane, Baleshwar, Odisha-756001 having mobile No.91- 7381887824 whom I know through a friend namely Biswa Prusty. Udipta Kumar Behera told me that he is involved in trading business and shown me a rosy picture and lured me towards the Commodity market trading, and helped me in opening an account in Zerodha, and started trading with an initial investment of 5 lakhs. I met with losses at the initial stage to which Udipta Kumar Behera informed me that as trading bandwidth is low in client mode, it would be better to move to pro mode and further assured me that it will yield good results. Udipta Kumar Behera in order to deceive me, told me to transfer money in his account directly. I was not transfer money in his account directly. I was not able to understand his ill intentions at that point of time and putting full faith in Udipta Kumar Behera, I transferred an amount of 10 lakhs into his account as per his instructions. For the first few months Udipta Kumar Behera showed great promise, and gave very good returns in the beginning. On this notion only he further told me get some more investors to trade for expensive commodities like Gold/ Crude oil it was a high budget trading. I also invested amount through my wife Mrs. Amarjeet Kaur. Looking at the good returns received shown to me in the first few months, I reposed trust in him and asked my friends to invest, who also made investments made by me and my friends for a couple of months. Till February 2021 everything was smooth but later i.e. after March 2021, Udipta kumar Behera started delaying the payments, and started giving multiple excuses like his account is struck, money is coming, his partners account is frozen because of GST issue, etc. I and my friends kept on asking and pressurizing the accused for payments, and even went to his house three times but to no avail. After putting pressure on Udipta Kumar Behera, he told us that all the money has been lost due to losses in trading, and he cannot pay us any more at this point of time. Even after repeated *requests, he has not provided any valid data to prove that the money invested by me and my friends was lost due to losses in trading, and is always dodging questions, not answering phones, and threatening that if any legal action will be taken by the us, we will never see the money again. That the totally amount invested by me and my friends was Rupees 1.55 Crore which was transferred through Bank Transactions and as per the profit report sent by Udipta Kumar Behera, an amount of 1.24 Crore was pending as profit earned on aforesaid amount which was invested by us. That the details of Money transferred to Udipta are produced herein below 30/06/2020 Pratipal Singh 5 lakh,06/072020 Pratipal Singh 4.83 lakhs 24/07/2020 Amarjeet Kaur 10 Lakh ,24/07/2020 Amarjeet Kaur 9.7 lakhs,28/07/2020 Pratipal Singh 0.5 lakh.,03/08/2020 Partipal Singh 4 lakh ,03/08/2020 Pratipal Singh 8 lakhs, 15/09/2020 Partipal Singh 8 lakhs, 15/09/2020 Partipal Singh 3.3 Lakhs ,28/09/2020 Partipal Singh 13 lakhs, 11/10/2020 Partipal Singh 7 lakhs 22/10/2020 Partipal Singh 7.6 lakhs 30/10/2020 Partipal Singh 0.3lakhs 12/11/2020 Partipal Singh 6.8 lakhs,09/12/2020 Partipal Singh 6 lakhs 11/12/2020 Partipal Singh 3 lakhs 04/01/2021 Partipal Singh 6.8 lakhs 04/01/2021 Partipal Singh 0.8 Lakhs ,05/01/2021 Amarjeet Kaur 2 lakhs 12/01/2021, Partipal Singh4 lakhs, 14/01/2021 Amarjeet Kaur 3 lakhs ,23/01/2021 Partipal Singh 2.5 Lakhs, 15/03/2021 Amarjeet Kaur 5 lakhs, 18/03/2021 Partipal Singh 0.9 Lakhs, 18/03/2021 Partipal Singh 0.9 Lakhs,0.5 Lakhs ,09/04/2021 Partipal Singh 3 Lakhs, 15/04/2021 Amarjeet Kaur 5 Lakhs, 23/04/2021 Partipal Singh 5 Lakhs, 19/05/201 Amarjeet Kaur 1,5 Lakhs 28/05/2021, Amarjeet Kaur 3 Lakhs 30/05/2021 Amarjeet Kaur 2 Lakhs ,08/06/ 2021 Partipal 5000, 08/06/2021 Amaejeet Kaur 0.5 Lakhs 09/06/2021 Amarjeet Kaur 0.5 Lakhs ,09/06/2021 Amarjeet Kaur 2.95 Lakhs 30/06/2021 Partipal Singh 1.5 Lakhs,01/07/2021 Partipal Singh 7lakhs 07/07/2021 Partipal Singh 3 lakhs, 08/07/2021 Partipal Singh 3 Lakhs, 08/07.2021 Partipal Singh 1 Lakhs 14/07/2021Partipal Singh 2 lakhs, 16/07/2021 Amarjeet Kaur 3 lakhs 20/07/2021 Amarjeet Kaur 1c Lakhs ,18/10/2021 Amarjeet Kaur 2 lakhs 20/10/2021*

Amarjeet Kaur 2.5 Lakhs Below mention in the details of otherv complainants who also invested the amount at my request are as amount follow:-the invested by Kannan Sethuramanwas Rs. 10 lakhs the detail of which are reproduced below Kannan Sethuraman (10 lakhs): 02/12/2020 0.5 Lakhs ,03/12/2020 4.5 Lakhs ,15/04/2021 5 Lakhs b. That the amount invested by Shinivas Seetharam Prabhu Rs.12 lakhs the details of which are reproduced below: 04/01/2021 5 Lakhs, 19/01/2021 2 lakhs, 19/01/2021 2 lakhs C. That the amount invested by Vijay Kumar Nagyal was Rs. 10 Lakhs the details of which are reproduced below: 6/9/2021 5 lakhs, 10/9/2021 5 Lakhs, d. That the amount invested by Ramneet Srivastava was Rs. 14.85 Lakh the details of which are reproduced below: 11/11/2020 5 lakhs, 5/1/2021 0.5 lakhs, 31/5/2021 2 lakhs, 1/6/2021 1.8 lakhs, 2/6/2021 1.2 lakhs, 7/6/2021 1 lakh, 9/6/2021 3.35 lakhs, E. That the amount invested by Aarti Jalan was Rs.6 lakhs the details of which are reproduced below: 27/11/2021 1 lakh, 15/1/2021 1 Lakhs, 10/2/21 4 lakhs. That the action of the Udipta Kumar Behera clearly shows, that whole scenario was created with and intention to deceive the complainants herein to invest the money. Hard earned money of the complainants herein was siphoned off by Udipta Kumar Behera with a design to fraudulently induce the complainants to invest more amount. I and my friends were shown a rosy picture by showing profit initially. I also requested Udipta Kumar Behera to return the amount but was threatened with dire consequences by him stating that this is not the first time he is facing this and he knows ways to over come the legal system. He is not afraid of anyone. Sir, I wish to state that it was complainants heard earned money i.e. Rs.1.55 cr along with profit to be earned @Rs.1.24 Cr. Totaling to 2.79Cr has been siphoned off by the person named above fraudulently. Till date I am not aware what he has done with our money and where he has kept our money without our consent. In this scenario please help us in recovering the money which has been siphoned off by Udipta Kumar Behera."

3. Contends that petitioner has been falsely implicated in the present case inasmuch as it was only an investment with an idea of earning profit; thus, no offence is made out against the petitioner. Also contended that whatever amount was received from the informant and/or other investor(s), the same have already been returned to them accordingly.

4. *Per contra,* learned State counsel, on instructions, submitted that despite repeated raids, petitioner is not traceable; rather, evading the process of law; thus, his custodial interrogation is necessary to know the true facts of the case.

5. Learned counsel for the informant while opposing the prayer submits that petitioner has duped various persons to the tune of Rs.1.55 crores, and out of the same, he has returned only Rs.18.00 lakh; but remaining amount is yet to be recovered. Also contended that petitioner has forged and fabricated the records just to wriggle out of the offence; hence, his custodial interrogation is very much necessary.

6. Heard learned counsel for the parties and perused the paper-book.

7. Allegations are that petitioner allured the informant through Whatsapp to invest in trading for heavy profits. There is sufficient material with police to indicate that alleged amount was transferred in the account of petitioner through RTGS during the period 20.06.2020 to 20.10.2021; thus, *prima facie,* complicity of the petitioner is well apparent. Moreover, petitioner is successfully evading the process of law while not joining the investigation, despite

repeated raids; thus in such a scenario, his custodial interrogation would be very much necessary.

8. In view of the above, there is no option except to dismiss the petition.

9. Ordered accordingly.

10. The above observations may not be construed as an expression of opinion on merits of the case, in any manner.

11. Pending application(s), if any, shall also stand disposed off.

04.04.2024 **(MAHABIR SINGH SINDHU)**
atulsethi **JUDGE**

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