IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-10226-2024
Reserved on: 07.05.2024
Pronounced on: 09.05.2024
2024:PHHC: 064877

ARAVINDA M

. . . . PETITIONER

Vs.

STATE OF HARYANA

. . . . RESPONDENT

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Varun Mudgal, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

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DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for his release on regular bail in case FIR No.09 dated 16.12.2022 registered under Sections 386/120-B/406/420/467/469/471 IPC at Police Station Cyber Crime Sonipat.

2. Status report by way of affidavit of Malkeet Singh, HPS, Assistant Commissioner of Police, Headquarter, Sonipat on behalf of the respondent-State, has been filed.

3.1 FIR was lodged on the complaint of Sachin son of Shri Albel Singh, resident of Sonipat, as per which he was playing a game on his mobile, when he received an advertisement of Chinese Instant Loan. He clicked the link, at which a loan application i.e. Rupeeway App was downloaded. On uploading of his Aadhar card, Pan Card and a photo, he was sanctioned a loan of ₹5000/- for 90 days, out of which he received ₹2,575/- in his bank account. Though, the loan was sanctioned for 90 days, but he receiving calls only after 6 days with the threats that his edited nude photographs would be uploaded on the social media. This way the blackmail of the complainant started.

Complainant applied for repayment of loan on different applications in the same manner under threat. An amount of ₹80 lakh was transferred by him in different bank accounts, out of which he received only ₹35 lakh. Complainant gave details of the various 15 loan applications apps besides the details of the mobile numbers, from which he received the threatening calls for blackmailing him. Complainant also gave details of the various persons, from whom he collected money to repay the loan. It was alleged by the complainant that he had been cheated of ₹45 lakh by using his fake documents and by using his nude photographs.

3.2 Investigation was conducted. Account statement of bank account of the complainant-Sachin as well as the details of the bank account, from which he had received the loan amount and the bank accounts in which he had transferred the money, were obtained. It was found that initially an amount of ₹14,000/- was transferred by complainant-Sachin on 01.08.2022 in an account maintained with Axis Bank, which was found in the name of one Parbir Mandal of District Hugli, West Bengal. Said Parbir Mandal was found to be confined in Jail in case FIR No.3 dated 08.09.2022 under Sections 419/420/467/468/471/120-B IPC registered at Police Station Cyber Crime at Sonipat. Production warrants were issued and said Parbir Mandal and Raj Ghosh were joined in the investigation in this case. Both of them were apprehended. Their disclosure statements were recorded, which revealed the modus operandi to commit crime, as per which they had come in contact with certain gang members, who needed bank accounts of different persons for transferring the cheated money and used to pay ₹1 lakh for providing bank account and also 1% of the total amount transferred in Bank account. The name of the petitioner also emerged in that disclosure statement apart from other co-accused.

3.3 Raj Ghosh in his disclosure statement also told about transaction of an amount of ₹3 crore in a particular account of Prabir Mandal and co-accused Maria and that 2% commission was transferred in different accounts. Names of Rahul Raj, Krishna and Mahammed Fousan also emerged during investigation. Petitioner Arvinda M, who was already in jail in a case FIR No.3 (Supra) was joined in the investigation, after issuance of production warrants. On interrogation, he suffered disclosure statement admitting his involvement in the crime.

4. It is contended by ld. counsel for the petitioner that petitioner has been falsely implicated; that petitioner is not named in the FIR; that entire case of the prosecution is dependent upon the disclosure statement, which is not admissible; that no recovery has been effected from the petitioner; that petitioner had already allowed bail in case FIR No.3 of 2022 (supra) by a Coordinate Bench of this Court vide order dated 04.12.2023 passed in CRM-M-42741-2023 (Annexure P3); that case is triable by Magistrate and so, he be allowed bail.

5. Though ld. State counsel opposed the bail petition by pointing out towards the nature of crime and the modus operandi to commit the same, but at the same time, conceded the fact that allegations against the petitioner are based upon the disclosure statement of the co-accused and that of the petitioner. As per the custody certificate, petitioner is in custody for the last 5 months and 22 days. Although, he is involved in one more case bearing FIR No.3 of 2022 (supra), but has already been allowed bail vide Annexure P3. It is also informed by ld. State counsel that out of 14 witnesses cited by the prosecution, not even a single witness has been examined so far and thus, trial

is likely to take long time to conclude. The case is triable by Magistrate.

6. Having regard to all the above facts and circumstances, but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

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

09.05.2024 **(DEEPAK GUPTA)**
Vivek **JUDGE**

Whether speaking/reasoned? *Yes*
Whether reportable? *No*