IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-16120-2024
Reserved on: 15.05.2024
Pronounced on: 16.05.2024

NITIN RAWAT

. . . . PETITIONER

Vs.

STATE OF HARYANA

. . . . RESPONDENT

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

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DEEPAK GUPTA, J.

By way of this petition filed under Section 438 CrPC, petitioner prays for grant of anticipatory bail in case FIR No.0051 dated 05.12.2023 (Annexure P1) registered under Sections 170 & 420 IPC [Sections 120-B and 201 IPC were added later on] at Police Station Cyber Crime Central, District Faridabad.

2. Status report filed by way of an affidavit of Abhimanyu Goyat, HPS, Assistant Commissioner of Police, Cyber Faridabad, on behalf of the respondent-State, has been filed in Court and the same is taken on record.

3. FIR was lodged on the complaint of Jaibir Singh Rawat, as per which he had taken various life insurance policies of different companies. On 11.08.2023, he received a call from mobile No.99587-01129. The caller disclosed his name as Vivek Kashyap, Jeevan Beema Lokpal Officer from Hyderabad branch and told the complainant that he could get ₹18 lakh as the maturity amount of the policies, for which purpose, he will have to deposit ₹25,500/- as registration charges, refundable later on. Complainant also

received a reminder call on 24.08.2023 from Mobile No.70117-51028. Complainant transferred the said amount from his Punjab National Bank account through NEFT. On 25.08.2023, complainant received another call from Mobile No.78708-13059 informing that his request had been registered and that an amount of ₹2,42,333/- was required to be transferred towards State Transaction Tax. Complainant transferred that amount also. Even thereafter, complainant received calls from different persons pretending themselves as officials from the insurance office and asking him to transfer amount on different pretexts. He also received call from Mobile No.83770-92422 and the caller told him to be B.N. Bhaskar, the officer of GBIC Dept. Head Office. Complainant transferred total amount of ₹4,17,068/- for getting the maturity amount of the polices, but did not receive any maturity amount. He later on realized that he had been defrauded and cheated by the unknown persons.

4. On the basis of the aforesaid complaint, FIR was registered. Investigation was carried out. Call detail records and identity documents of the mobile numbers as mentioned in the complaint, besides the details of the beneficiary accounts were collected. Based thereon, Nishidh Chaudhary, Atul Kumar and Sagar Yadav were arrested on 13.2.2024. Nishidh Chaudhary and Atul Kumar had destroyed their mobile phones and SIM card used in the crime and so, Section 201 IPC was added.

5. Status report also discloses the role of the petitioner to the effect that he had made phone call to the complainant from Mobile No.83770-92422 by posing himself as B.N. Bhaskar, Officer of GBIC Dept. Head Office and that he along with co-accused cheated and defrauded the complainant by obtaining ₹4,17,068/-. Petitioner has been named by the co-accused Nishidh Chaudhary in his disclosure statement, copy of which is Annexure R1.

6. It was contended by ld. counsel appearing on behalf of the petitioner that petitioner has been implicated on the basis of disclosure statement of co-accused Nishidh Chaudhary only and that a different stand had been taken by the respondent-State in the *'Halat Mukadma'* filed before the Magistrate comparing to the stand as taken in the status report.

7. On direction of the Court, to clarify the above, fresh status report was filed. It is clarified by the State that similar stand had been taken in the '*Halat Mukadma'*, except the fact that name of B.N. Bhaskar, used by the petitioner while calling the complainant, was not specifically mentioned in the '*Halat Mukadma'*. However, said name finds due mention in the disclosure statement of Nishidh Chaudhary. Status report of the respondents-State further reveals that apart from the facts which have emerged in the disclosure statement of Nishidh Chaudhary, it was found that the place, from where the present fraud was committed, was taken on rent by petitioner-Nitin Rawat. Copy of rent agreement in this regard is Annexure R2.

8. Ld. State counsel has also drawn attention towards the role played by the remaining accused in committing the crime, inasmuch as Nishidh Chaudhary had posed himself as Abhishek Ranjan, Officer of GBIC Dept. Head Office by calling the complainant from Mobile No.78708-13059. Co-accused Atul Kumar had made the call by posing himself as Vivek Kashyap, Jeevan Bima Lokpal Officer Head, Hyderabad Branch, whereas co-accused Sagar Yadav had provided the SIM cards and bank accounts, as used by the other accused for commission of crime.

9. The contention of ld. counsel for the petitioner to the effect that petitioner's name has emerged in the disclosure statement of co-accused, it has no merit at the stage of investigation, though that plea may be available to

him during the trial.

10. Having regard to the nature of allegations against the petitioner; the facts which have surfaced during investigation, the custodial interrogation of petitioner may be required to know the complete modus operandi of committing the crime and also to effect the recovery of the cheated amount. Consequently, without commenting anything further on merits of the case, this Court is not inclined to grant anticipatory bail to the petitioner. As such, the present petition is hereby dismissed.

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

(DEEPAK GUPTA)
16.05.2024 **JUDGE**
Vivek

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