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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20141-2024
Date of Decision : 04.09.2024

Roop Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Udit Jain, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J.(Oral)

1. Apprehending arrest in FIR No.6 dated 31.07.2023, under Sections 34, 406, 420 IPC registered at Police Cyber Crimes, Sirsa, the petitioner has preferred this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

2 Succinct factual narrative relevant for the disposal of the instant petition is that on 22-07-2023, the complainant received a message from an unknown person on WhatsApp containing a hyper link to earn extra income with less effort. The complainant received Rs 100 for each task and later he received a link on Telegram application where he received similar tasks. After he finished the tasks, complainant received a new task in which he was asked to invest some more money, for which he got a return. Later he was asked to invest 2-3 times for which he received further returns. The complaint was made to start his work with a small investment of Rs.5000/- to Rs. 10000/- and later he was asked to invest a larger amount. VIP membership was provided to them. Subsequently, he was made to invest Rs.7 lakh in the bank account provided. In similar manner some unknown

persons deposited a sum of Rs. 30,07,086/- from him in different bank accounts by luring him with the promise of earning money by completing different task and, thus, defrauded and cheated him.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and he is not the main conspirator in the present case and has been arrayed as an accused only on the basis of disclosure statement of co-accused Rajat and his role has been attributable only qua one of the bank account (out of 14) in which the complainant allegedly deposited 30 lacs. He further submits that the entirety of amount i.e. 4,18,888/- which was received in the Bank Account No 0440102100000776, with which the connection of the applicant is drawn, stands recovered from the co-accused and thus, no recovery is to be effected from the petitioner.

4. Learned State counsel submits that the petitioner has joined investigation but he is not cooperating. Status report dated 17.06.2024 by way of an affidavit of Deepti Garg, IPS, Additional Superintendent of Police, Sirsa had been filed by learned State counsel. The relevant portion of the said report is as under:-

> *"21. That the name of the petitioner has come forth in the disclosure statements of Suraj Prakash, Udit and Rajat Further, the name of the petitioner has also come forth in the disclosure statements of Dheeraj @ Raja Soni, who was arrested on 23.05.2024. Copy of disclosure statement of one of the said namely accused Suraj Prakash is attached herewith as Annexure R-1.*
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> *22. That the role of the petitioner in the present case is that he is involved in organized cyber fraud scam alongwith his co-accused Suraj Parkash, Rajat and Udit. The petitioner alongwith his co-accused has deceived the complainant in a pre-planned manner and*

has fraudulently received money from the complainant through online mode by using the account number of others Further, from the reply received from Google company, it has come forth that on 09.07.2023, the IP address 202. 14.122.115 (pertaining to the Wi-Fi device at the factory of brother of accused Rajat) is also reflecting in the call detail record of the mobile phone of the petitioner Roop Singh of the same date i.e. 09.07.2023, which shows that the petitioner Roop Singh was also present there along with co- accused Rajat on 09.07.2023 and he was also using the said IP Address. The said Wi-Fi device has been got recovered by accused Rajat during investigation.

23 That from 01.03.2023 to 27.11.2023, the calls (as mentioned below), have been found to be exchanged between the petitioner and the other accused:-

i. Between mobile no. 7278729000 of the petitioner Roop Singh and mobile no. 9417566000 of accused Rajat 1910 calls.

ii. Between mobile no. 7278729000 of the petitioner Roop Singh and mobile no. 7519480000 of accused Udit - 86 calls.

iii. Between mobile no. 7278729000 of the petitioner Roop Singh and mobile no. 9872906475 of accused Suraj Prakash - 01 call.

iv. Between mobile no. 7278729000 of the petitioner Roop Singh and mobile no. 9571923022 of accused Dheeraj - 01 call.

24. That the custodial interrogation of the petitioner is required for ascertaining his share out of the amount of fraud and to recover the same, for recovering the mobile phone(s) used by him in the present crime, for obtaining information about the modus-operandi, for obtaining information about the involvement of other persons (if any) in the present case, and for obtaining other relevant information about the present case

25. That as per available record the petitioner has not been found to be involved in any other FIR. However, 36 complaints have been found to be registered regarding the account of Balaji Constructions (pertaining to accused Yashpal Godara), 104 NCRP complaints have *been found to be registered regarding account no 0440102100000776 of R.K. Trading (whose holders are accused Rehmat Ali and Deepak Soni and in which the money of the complainant was credited) and 01 complaint has been found to be registered regarding the account of Keshav Constructions (pertaining to accused Surjit Bhambhu).*

26. That furthermore, one complaint no. 22505240007354 has been found to be received in National Cyber Crime Reporting Portal and the amount of fraud in the said matter has been found to be transferred in account no. 60214319686 (Bank of Maharashtra) of the petitioner Roop Singh. The petitioner is the beneficiary of the fraud amount in the said matter. The copy of complaint and account opening form of account no. 60214319686 (Bank of Maharashtra) of the petitioner are attached herewith as Annexure R-2 and Annexure R-3 respectively. This goes to prove that the petitioner is involved in other cyber fraud as well."

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. There are serious allegations against the petitioner that he alongwith co-accused are involved in organized cyber fraud crime and they have deceived the complainant in a pre-planned manner and had fraudulently received money from him through online mode by using the account number of others. Moreover, during investigation it has been revealed that the petitioner has destroyed the mobile phone due to which Section 201 IPC has been added for destroying the valuable piece of evidence.

7. In view of the aforementioned discussions and in view of the serious allegations leveled against the petitioner and to unearth the true dimension of the

alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

8. The petition is dismissed.

(KIRTI SINGH)
JUDGE

04.09.2024
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No