



102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22377-2024

Date of decision : 07.05.2024

BABU SINGH

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Harshit Jangra, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.293 dated 22.11.2023, registered for offences punishable under Sections 406, 420 of the Indian Penal Code, 1860 at Police Station Saha, District Ambala, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. As per the contents of the FIR it has been alleged as under :

xxx Complaint against Babu Singh son of Shri Gurdeep Singh, Aadhar Card NO.385920988363 resident of Babain, 145, Distt. Kurukshetra at present resident of village Bapa, Distt. Yamuna Nagar. Sir, It is submitted as under:- 1) That Babu Singh son of Shri Gurdeep Singh has started a portal in the name of Dollar Club World and he got invested Rs.80/90Lakhs on the above said portal from the public and for some time system was running good and the transaction were done and simultaneously, the said Babu Singh has created another portal namely "Wonder Queen Token" and on that portal, people invested the money and



in the month of June, 2022, both the portals were closed and till today these portals are closed. The amount was invested by Jagpal son of Naranjan Dass resident of village Khanpur, Sandeep Kumar son of Satpal, Rajesh Kumar Deepu son of Jai Parkash, residents of village Kesri, Distt. Ambala, Pawan Kumar Atta Chakki resident of village Kesri, Distt. Ambala through their relative Kanwar Sher Jang Bahadur son of Jai Pal and they have invested the said amount on the portal in the mobile number 9996028686 of Babu Singh. Both the portals were created by Babu Singh and has himself closed the same and the said Babu Singh has switch off his both the mobile numbers 9996028686, 8307916670 in the month of June, 2022 and now Babu Singh has been making excuse that he will return the said amount. The above said persons are very tensed. At this moment, an amount of Rs.55-60lakhs rupees has been deposited in the account of Babu Singh and the said amount be disbursed to them. Thanking You. Note: At present Babu Singh has been residing at village Bapa, Distt. Yamuna Nagar in the house of his father in law namely Sher Singh and his mobile numbers The mobile numbers of Babu Singh as mentioned in the portals. Please take hard action against the accused person"

3. Counsel for the petitioner submits that apart from the bald allegations there is no specific allegation as to what amount was invested by the complainant. He further submits that in fact its a monetary dispute between the closely related persons which has been given criminal colour. He submits that there is no allegation of there being allurement as the complainant admits that the money was indeed invested. He relies upon the law laid down in the case of **Kamlesh Rajauriya vs. State of U.P., Criminal Bail Application No.2717 of 2024 (Neutral Citation**



No.2024:AHC:18918) *decided on* 1st of February, 2024 and **CRM-M No.27945 of 2019** titled as **Rajesh vs. State of Haryana** *decided on* 16th of November, 2019

4. Per contra, State Counsel has produced the account statement of the petitioner to submit that lacs of rupees travelled to his account which was deposited using those portals. The account statement is taken on record.

5. I have heard counsel for the parties and have gone through records of the case.

6. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1**, the Court while considering prayer for pre-arrest bail has to consider as to whether the accusation appears to be actuated by *mala fides*, nature of seriousness of the proposed charges, the role attributed to the applicant and the probabilities of securing presence of the applicant during the course of trial and as to whether there is any apprehension that the applicant will tamper with the witnesses or evidence.

7. It is the aforesaid considerations which need to be balanced by the Courts while considering grant of pre-arrest bail.

8. The precise allegation against the petitioner is that he opened two online portals alluring the people to invest their money and get back double thereof. After harvesting deposits on such allurement, the petitioner



suddenly closed both the portals and thereby siphoning about 80-90 lacs rupees.

9. Keeping in view the primary investigation which shows that the money indeed travelled to the account of the petitioner, this Court cannot infer that the allegations levelled against the petitioner are effected by any malice intent. Keeping in view the nature of the crime and the wide sweep that the cyber crimes have, this Court finds that it is not a case wherein investigation can be allowed to be belayed by granting pre-arrest bail to the petitioner. Consequently, the present petition is dismissed.

10. Needless to say nothing observed hereinabove shall be construed as an expression on the merits of the case.

May 07, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No