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

212

**CRM-M-24508-2024
Date of decision: 23.05.2024**

SWADESH VERMA ....Petitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aayush Gupta, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Kunal Dawar, Advocate for the complainant.

<u>KULDEEP TIWARI. J.(Oral)</u>

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of his being enlarged on anticipatory bail, in case FIR No.40 dated 29.03.2024, under Sections 420 and 120-B of the IPC, (Sections 419, 467, 468, 471 and 216 IPC, added later on), registered at Police Station Cyber Crime, Central District Faridabad.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that name of the petitioner is nowhere to be figured out in the FIR (*supra*), rather the petitioner has been falsely implicated, during investigation, at the behest of the Investigating Officer. Learned counsel for the petitioner further submits that the petitioner has no connection with the alleged offence, and no amount has been received in the account of the present petitioner. Learned counsel for the petitioner also submits that the petitioner has only provided the mobile number in the bank

account of YUODUO Private Limited, and no recovery is to be effected from the petitioner. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the investigation.

3. The instant FIR, in which the petitioner has apprehension to be arrested, has been registered on a complaint made by one **Priyanshi Gupta, daughter of Vijay Gupta,** wherein, she alleged that her father was a consultant, and she was looking after the management work with her father, in Delhi office. Apart from it, she was also doing share market trading, for the last two years. The relevant extract of the FIR reads as under:-

> *On 4.1.2024, she clicked a link of share market on the facebook and thereafter, she joined the WhatsApp group named "ICICT IR Tean (57). Till 18.3.2024 she kept watching the facebook and she saw that the money invested in the above mentioned group was getting huge profits. After that, she joined another WhatsApp group "CóRam Investment Academy". Thereafter, ICICI IR Team (57) Group Admin Kareena Rajput sent her a URL link 'https://app.yisjds.com/" and created her account in an App named IC ORGAN MAX opened in her mobile no.7678471081. After that she logged in to the App with her above mentioned mobile number and joined it. The above named Kareena Rajput suggested her through WhatsApp nos. 7249021858 and 7249650533 that she should get the bank details from their customer service for adding funds. On 19.3.2024 Indusind Bank account no.259662465407 IFSC Code INDB0000844 of Krishna Enterprises was sent on the said customer service and got invested Rs.1,00,000/- from her in the said account. On 21.3.2024 Indusind Bank account no.259547657841 IFSC Code INDB0001013 of CALMCHAMP TECHNOLOGY PRIVATE LIMITED was sent and asked her to invest Rs 60,00,000/- in the said account and got*

invested the above said amount of Rs.61 lakhs in the share market from her ICICI Bank account no.777701178200 and by sending A URL link https://www.techstars.shop/#/register? Agent Code Mi597915, her account was opened in App named Techstars.shop on her mobile no.76784710181 and after that she joined it. After that SBI Bank account no.00000042665322690 IFSC Code SBIN0000300 of Swami Samarth Traders was sent and got invested Rs.3 lakhs from her father's ICICI bank account no.777701819900. After that on 26.3.2014 SBI Bank account no.00000042727214212 IFSC Code SBIN0021870 of Yuoduo Private Limited was sent and they got invested Rs.80 lakhs in the share market from her account no.777701178200. Thereafter, Rs.90 lakhs were got invested fraudulently from HDFC Bank account no.591030900090000, Rs.15 lakhs from HDFC Bank account no.59103080008000 in the name of Yuoduo Private Limited and Rs.10 lakhs from IDFC Bank account no.87500500995. On 27.3.2024, again got invested Rs.20 lakhs from HDFC Bank account no.777701178200 Rs. 4 crores from HDFC Bank account no.50200064005701 of her father and Rs.80 lakhs in the share market from HDFC bank account no.59103090009000 were also got fraudulently invested in share market. In this way, cyber crime for an amount of Rs.7 crores 59 lakhs was committed with her.

4. This Court at the time of issuing notice of motion, directed the learned State counsel to file reply to the instant petition, detailing therein, the role and criminal antecedents of the petitioner, besides detailing the incriminatory material, as collected by the investigating officer concerned, which connects the petitioner with the alleged crime.

5. In pursuance of the above directions issued by this Court, a status

report by way of an affidavit dated 22.05.2024, of Sh. Abhimanyu Goyat, HPS, Assistant Commissioner of Police, Cyber Faridabad, has been filed on behalf of respondent-State. The same is taken on record. A copy of the same has been supplied to the opposite counsel.

6. The learned State counsel has opposed the grant of pre-arrest bail to the present petitioner, and submits that the petitioner is the main king-pin of the illegal racket of fraudulent investment, and petitioner along with his accomplice, are operating illegal racket of alluring innocent people from India, and other countries, and are extorting money in the name of investment in the share market.

7. This Court has examined the submissions made by learned counsel for both the parties concerned.

8. What surfaced from perusal of the FIR, as well as the status report is that the petitioner is the main king-pin, along with other co-accused, who are involved in extorting money in the name of investment in the share market.

9. During investigation, the e-mail was sent to the concerned banks for obtaining details regarding the beneficiary accounts. The record was obtained from the concerned banks, and the accounts were found to be registered in the name of Yuoduo Pvt. Ltd. (in which Rs. 6,95,00,000/- was sent) Calmchamp Technology Pvt. Ltd. (in which Rs. 60,00,000/- were sent) krishna enterprises (in which Rs. 1,00,000 were sent) and Swami Samarth (in which Rs. 3,00,000/- were sent). As per record obtained from ICICI Bank, the App ICICI IR Team, IC Organ Max and the logo of ICICI were found to be forged and the accused were found to have committed the fraud by posing as fake ICICI Bank official. Sections 419,

467, 468, 471 of IPC were added in the present case.

10. Thereafter the accused Prashant Kumar was arrested from Bangalore (Karnataka) on dated 09.03.2024. One mobile phone was recovered from his possession. He was produced in the Court of learned ACMM, Bengaluru City, and his transit remand was obtained till dated 15.04.2024. His disclosure statement was recorded on dated 13.04.2024. He was produced in the Court of learned JMIC, into police possession. He was sent to judicial custody.

11. The accused Sayyed Mohd. Zeeshan and Sayyed Suhail disclosed that they had operated the account of Krishna Enterprises in which Rs.1,00,000/- was sent, and they were arrested on dated 15.04.2024. Two mobile phones, passport no. W8818808, PAN Card, two digital watches, were recovered from the possession of accused Sayyed Mohd. Zeeshan. One passport, two mobile phones were recovered from the possession of accused Sayyed Suhail. The police remand of accused Sayyed Mohd. Zeeshan and Sayyed Suhail was obtained from the learned trial Court concerned. The amended disclosure statements of accused Sayyed Zeeshan and Sayyed Suhail were recorded on 19.04.2024. Accused Sayyed Zeeshan got recovered Rs. 10,000/- cash, and also got recovered 21 Jio SIM cards, 71 Airtel SIM cards u/s 102 Cr.PC. Accused Sayyed Suhail got recovered Rs. 20,000/- cash and also got recovered 314 Airtel SIM cards, u/s 102 Cr.P.C., and they were sent to judicial custody.

12. During further investigation, Akash Jain and Rohit Sachdeva were arrested on dated 17.04.2024. Akash Jain operated a Airtel POS shop from where the number registered in the bank account of Yuoduo Pvt. Ltd. was issued. He

disclosed that he had fraudulently got that SIM issued and had delivered it to Rohit Sachdeva, and has further disclosed that he had delivered this SIM (Registered in Yuodus Pvt. Ltd. bank account) to Swadesh verma (present petitioner). Accused Akash Jain, got recovered three mobile phones with SIM cards, finger scanner used for SIM card activation, Rs. 800/- cash and also got recovered 12 Vodafone SIM cards, and 46 Airtel SIM cards u/s 102 Cr.P.C. Accused Rohit Sachdeva got recovered one mobile phone along with SIM card and Rs. 1500-cash, and also got recovered 30 Vodafone SIM cards u/s 102 Cr.PC. They were sent to judicial custody on dated 22.04.2024. Accused Depender Mehrotra was arrested on dated 21.04.2024, as he had helped Swadesh Verma to escape arrest, one Mercedes car bearing no. DL- 4C-BB-2721, which was used in the present crime, was taken into police possession. (Section 216 IPC was added in the present case).

13. Perusal of the FIR (*supra*), further reveals that co-accused Rohit Sachdeva had handed over the SIM card of mobile No.9319026302 to the petitioner, and the petitioner got the said mobile number registered in account No.00000042727214212 of YUODUO Private Limited, and in that account, the complainant was made to transfer an amount of Rs.6.95 crore. The name of the petitioner surfaced on the disclosure statement of co-accused Rohit Sachdeva.

14. In view of the above, it is apparent that role of the present petitioner has surfaced during investigation, and *prima facie,* there are sufficient evidence with the prosecution to connect the present petitioner with the alleged crime, and custodial interrogation of the petitioner is required. It is a case of cyber crime,

where, the innocent people have been duped with their hardened money, therefore, this Court refraining to grant the extra-ordinary relief of pre-arrest bail to the present petitioner, specifically when the custodial interrogation of the petitioner is essential, to dig out the *modus operandi* in committing the sophisticated, and complicated online fraud, therefore, the instant petition is **dismissed**.

(KULDEEP TIWARI)
JUDGE

23.05.2024
Amandeep

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