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

223 **CRM-M-24854-2024 (O&M)**
Date of decision: 9th December, 2024

Rajiv Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Subhash Choudhary, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Nayandeep Rana, Advocate for the complainant.

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MANISHA BATRA, J (ORAL):-

CRM-24050-2024

This application has been filed by the applicant for placing on record the copies of the Bank statements and whatsapp chats as Annexures P-4 and P-5, respectively.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Annexures P-4 and P-5 are ordered to be taken on record.

Main case

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 33 dated 02.10.2023 registered under Sections 406, 420, 467, 468 and 471 of IPC at Police Station Cyber

Crime, Panipat, Haryana.

2. Brief facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Surender Singh, alleging therein that in the month of September, 2022, he had received a friend request on his facebook account from two persons who introduced them as Cynthia Lorinda and Rencil Winnie. He had accepted their friend request and conversation started taking place between them through facebook. The above named persons apprised the complainant about one investment company named as Aircorex Investment Company and induced him to make investment in the same by representing that he could earn huge profit over the investments so made. They also told him that the present petitioner was their Accounts Officer and shared the details of account number and UPI ID of the petitioner. They further persuaded him to deposit the amount to be invested by him in the UPI ID of the petitioner. Under their influence, the complainant started depositing his money and during the period from September, 2022 till June 2023, he deposited an amount of Rs. 25,77,431/- in the bank account of the petitioner. Not only this, money from the bank accounts of his uncle Rishipal and his wife Manju Rani had also been deposited in the bank account of the petitioner.

3. As per the further allegations, the above named Cynthia Lorinda and Rencil Winnie used to show the details of the investments made with the company by the complainant and his family members through e-mails and used to pressurise him to invest as much money as possible by assuring that

he could withdraw his money after six months. However, subsequently, the complainant realised that he along with his family members had been duped of his money by the petitioner, the above named Cynthia Lorinda and Rencil Winnie on the pretext of good returns against the investments made by them. After registration of FIR, investigation proceedings were initiated. The complainant produced screenshots of the chat that had taken place between himself and the co-accused through *whatsapp*, *instagram* and *facebook.* It was revealed that Aircorex Investment Company was using trademark of Frankfinn Airhostess Training Institute without knowledge or permission of the latter in order to deceive public at large and no documents, which had been relied upon by the complainant, had been issued by the said company. The petitioner was arrested on 30.12.2023. He suffered a disclosure statement admitting his complicity in the crime and got recovered an amount of Rs. 1,00,000/- and his mobile phone. Offence under Section 120-B of IPC was added. Search was made about the companies, in the names of which investments were got made from the complainant and they were not found to be registered anywhere. Investigation has since been completed and challan stands presented.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 30.12.2023. Trial is likely to take time. The subject offences are triable by Magistrate. Infact, he is also a victim in this case. Since he was contacted through *Instagram* social media platform by the main culprits, who introduced themselves as Cynthia Lorinda and Rencil Winnie in the month of July, 2022. They had

initially told him about their investment scheme and asked him to make investment of money in their company with promise to have good returns, but since the petitioner was not in a position of make any investment, therefore, the above named persons had approached him and induced him by way of offering of Accountant Manager with the investment company. The nature of work which was to be performed by him was to receive investment funds from other investors in India in his personal bank account and to transfer the same in the bank account of the company by converting the same into dollars on receipt of instructions received from the company, *in lieu* thereof, he would get 6% of investment amount. The petitioner had accepted that offer and started working with the investment company on the instructions which were received by him through *Whatsapp* and *Instagram* Apps only. He had been transferring money which was received in his bank account from the investors, to the account of the investment company after converting the same into dollars. No financial gain has been derived by him. Rather, he has been made a scapegoat. He had no motive to cheat the complainant or anybody else or to commit forgery. His custodial interrogation is no more required. He has no criminal antecedents and has permanent abode. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

5. *Per contra*, learned AAG, Haryana assisted by learned counsel for the complainant has vehemently argued that there are serious and specific allegations against the petitioner who in connivance with the co-accused who were foreign nationals had cheated the complainant and his

family members by getting huge amount of money transferred in his bank account. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that he does not deserve to be released on bail.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

7. The petitioner has placed on record Annexure P-4, which is copy of his bank account statement showing receipts of money and withdrawal/transfer thereto to other bank accounts, during the relevant period. He has also placed on record Annexure P-5, which are copies of screenshots of the whatsapp chats shown to have taken place between co-accused (who have not been arrested) and himself to show that he was only working as an employee for the co-accused, who introduced himself as Rencil Winnie and after receipt of money in his bank account from the investors, had been transferring it to their bank accounts. The petitioner is in custody since 30.12.2023. The subject offences are triable by Magistrate. Investigation has been concluded. Trial is likely to take time. The question as to whether, the petitioner had committed offences of cheating, forgery or criminal misappropriation of money has to be decided on thorough assessment and evaluation of the evidence to be produced during trial. His further detention is not going to serve any useful purpose. In view of the discussion as made above, I am of the considered opinion that the petitioner deserves to be extended benefit of bail. Accordingly, the petition is allowed

and the petitioner is ordered to be released on bail, subject to his furnishing personal and surety bonds to the extent of two sureties to the satisfaction of learned trial Magistrate and further, subject to condition that he shall not leave the country during the pendency of the trial, without permission of the learned trial Magistrate and he shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card along with PAN Card if any and details of his mobile phone number to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court during trial of the case.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th December, 2024
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No