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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1311-2024
Date of Decision:- 01.08.2024

ASEEM RAINA ....Petitioner

Vs.

STATE OF HARYANA ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Onkar Singh Batalvi, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

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AMARJOT BHATTI, J. (Oral)

1. Petitioner Aseem Rana has filed revision against impugned order dated 14.11.2023 whereby charges were framed against petitioner under Sections 66-C and 66-D of Information and Technology (Amendment) Act, 2008 and Section 201, 204, 419 and 420 IPC which is illegal, against the law and facts and is liable to be set aside.

2. Brief facts of the case are that Baljeet Singh complainant filed written application alleging that he was using credit card of SBI bearing No.4611-1993-5632-0716. He had requested through net banking to SBI for enhancement of Credit Card Limit. On 10.07.2020 at about 2.46 pm, he received a call from SBI Credit Card Customer Care that his request for enhancement of credit card limit was being processed. He was told that to

complete the process, they need customer consent through registered mobile number. Since, he had already requested for enhancement of credit card limit, therefore, he gave his consent to complete the process. He received message from 912239020202 *"Rs.60,000/- spent on your SBI card ending with 0716 at PAYU Money on 10.07.2020. If this trxn. wasn't not done by you, Click https://sbicard.com/Dispute Raise".* Said transaction was fraud and ultimately matter was reported to SHO Police Station Cyber Panchkula to investigate. From the record received from PAY U Wallet, it was revealed that account was registered in the name of Mohini Mahender Raina Memorial Trust and email was sent in the name of Baljeet Singh i.e. present complainant for donating Rs.60,000/- to the said trust. After receiving IP address of email, it was found that internet of mobile No.70115-08203 and 98108-07794 was used at the time of sending this email. These mobile numbers are in the name of Aseem Raina who had sent fake email to PAY U Wallet mentioning name Baljeet Singh. Present petitioner is son of Bhuvanesh Raina who was running Mohini Mahender Raina Memorial Trust. Aforesaid SIMs were closed. With these allegations, challan was presented on completion of investigation. Thereafter, present petitioner has been chargesheeted by passing impugned order dated 14.11.2023. Aggrieved of this order, present revision has been filed.

3. Learned counsel for petitioner raised issue that challan was presented on 14.11.2023 and without giving proper opportunity of being heard, chargesheet was framed on the same day in the afternoon. Record attached with the challan was not considered by the trial Court. Present petitioner has nothing to do with said online fraud. Founder and Chairman

of trust is Bhuvanesh Raina expired on 11.05.2021. Copy of trust deed is Annexure P-5. Copy of death certificate is Annexure P-6. Petitioner duly cooperated in the investigation. He had no involvement in the said crime. There is no convincing record on the file to show his involvement and he has been wrongly chargesheeted by passing impugned order dated 14.11.2023. Impugned order may kindly be set aside and present petitioner at least be given an opportunity to advance arguments on charge.

4. On the other hand, learned counsel representing State argued that entire case of petitioner is based on documents which are already annexed with challan report. At the time of framing of charge only prima facie is to be seen. Present revision has been filed by petitioner only to delay proceedings of trial.

5. I have considered the arguments and have gone through the record annexed with the revision petition. As per the contents of FIR, application was filed by petitioner Baljeet Singh. Matter was investigated and present FIR was registered on 02.09.2020. Incident of said fraud is of 10.07.2020. There are allegations against present petitioner that he used internet of two mobile phones referred above for sending email in the name of complainant and fraudulent transfer of Rs.60,000/- took place through PAY U Wallet in the bank account of Mohini Mahender Raina Memorial Trust run by his father through Bhuvanesh Raina. According to challan report, he expired on 11.05.2021. Learned counsel for the petitioner raised issue that when said amount of Rs.60,000/- was received in the account of said trust, he was not aware of said transaction and there was a request on his part to return money to the source from where it was received. He has also placed on record trust deed that he had nothing to do

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with the said trust. So far as defence raised by learned counsel for petitioner is concerned that can be seen at appropriate stage during trial. At the time of framing of chargesheet the trial Court is to see prima facie case based on the challan report, statements of witnesses recorded during investigation and record collected by Investigating Officer. Facts, documents can not be analysed in its minute details. Defence raised by learned counsel for petitioner can be considered at appropriate stage.

6. Under these circumstances, I do not find any illegality or irregularity committed by the trial Court for framing chargesheet against petitioner. Criminal revision preferred by petitioner is without merits and the same is, accordingly, dismissed.

7. My observations are made for the disposal of present revision and it will have no bearings on merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

01.08.2024 (AMARJOT BHATTI)
*snd* JUDGE

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