



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

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CRM-M-33733-2024

Date of decision: 31.07.2024

Shiva

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pradeep Duhan, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.40 dated 10.04.2024 under Sections 419, 420 and 120-B of the Indian Penal Code, 1860, registered at Police Station Cyber Crime, District Bhiwani.

2. Learned counsel for the petitioner submits that a perusal of the FIR annexed as Annexure P-1, clearly reveals that no role, much less by whisper, has been attributed to the petitioner, and he is not even named in it. In fact the petitioner has no connection whatsoever with any of the co-accused, and therefore, cannot be linked to the crime in question. It is further argued by the learned counsel that the petitioner was implicated as an accused in the present FIR based on a disclosure statement allegedly suffered by co-accused Chandvir and Mukesh, who claimed that the petitioner had been guiding them on how to carry out the crime in question. Additionally, it has been asserted that the



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disclosure statement on the basis of which the petitioner has been nominated as an accused in the present case, holds very little evidentiary value, thereby entitling him to the concession of anticipatory bail.

3. Upon notice, the learned State counsel has opposed the prayer and submissions made by the counsel opposite by arguing that the petitioner is the mastermind behind the crime in question. His name surfaced during the investigation of co-accused Chandvir and Mukesh, who were caught red handed at the spot following a secret information. It has been further contended that the petitioner had orchestrated the entire crime by providing the co-accused with the relevant mobile applications, mobile phone numbers, and other resources; a tip off was received that some individuals under the guise of “escort services” were misleading citizens of the United Kingdom by luring them with call girl services through virtual WhatsApp accounts, resulting in financial losses for those individuals in the U.K. ranging from 50 to 500 pounds. Furthermore, the learned State counsel has asserted that the petitioner is the ring leader, and has been evading arrest, while all the co-accused have since been apprehended. Petitioner's custodial interrogation would be necessitated to uncover the entire racket and thus, a prayer has been made for dismissal of the instant petition.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. There are serious allegations in the FIR in question. A secret information was received that co-accused Chandvir and Mukesh



along with their associates after purchasing virtual mobile numbers from United Kingdom, without any authorization, had been using them to post fake “escort service” ads on websites; resultantly a number of individuals based out of U.K. were deceived on the promise of being provided escort/call girl services. These individuals in U.K. received calls on virtual WhatsApp accounts and were then defrauded of amounts ranging from 50 to 500 pounds. Following the tip off, the police party apprehended co-accused Chandvir and Mukesh. Subsequently, a search was carried out of both these co-accused and mobile phones were recovered from their possession with multiple WhatsApp accounts which were being used for their fraudulent activities. Chats on these accounts showed communication regarding “escort services” with U.K. mobile numbers, as well as screen shots of various transactions in pounds and suspicious photographs. During investigation, both the co-accused revealed that they had been involved in defrauding people based in U.K. by using virtual mobile numbers obtained through an app called “pound currency cloud sim”. They had allegedly been posting ads for call girl services and had cheated people by pretending to be women, by sending fake voice recordings and convincing them to transfer money in pounds. During further investigation, it came to light that the petitioner was the kingpin who had been masterminding the entire crime in question.

6. Prima facie, there are serious allegations against the petitioner. This Court, therefore, concurs with the prayer made by the learned State counsel that the custodial interrogation would be required

to uncover the entire racket. In the facts and circumstances as enumerated hereinabove, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner.

7. Accordingly, the instant petition is hereby dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

31.07.2024

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)
JUDGE