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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37666-2024
Date of Decision:-03.09.2024

RAJINDER KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Bhanu Pratap, Advocate, for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 482 of the
Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS), the petitioner is praying
for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as
under:-

FIR No.	Dated	Sections	Police Station
190	07.05.2024	406, 420, 120-B IPC	City, District Kaithal

2. Brief facts of the case are that on 07.05.2024 police on
patrolling duty present at Chhotu Ram Chowk, Karnal Road, Kaithal, an
informer gave information to the police party that gang of Rahul, Rajendra
alias Titu, Deepak, Pankaj, Ashok alias Shoki, and other persons by
misleading innocent people fraudulently obtained SIM's on their IDs and
opened bank account in the Bank and after linking the SIM with the bank



account misused the same in other crimes. Finding the information reliable a raid was conducted at Pehwa Chowk, Kaithal and a alto car bearing HRO8K-3528 was seen parked and three young boys namely Ashok, Pankaj and Deepak were apprehended and on search Mobile, SIM, ATM two pre-opened Kits of Federal Bank Kaithal and cheque books were recovered from them. The accused along with their associates, lured people with money and fraudulently obtained SIM cards, bank accounts, ATM cards and cheque books and committed crime. Hence the FIR.

3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner was not named in the FIR but was nominated on the basis of disclosure statement of co-accused Deepak. He contends that petitioner has joined the investigation twice before the investigating officer and had answered all of their queries as such custodial investigation would not serve any purpose. Hence he prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that petitioner along with other co-accused opened bank accounts of innocent people for cheating and alluring them of money and use their bank accounts for illegal money transactions for illegal activities. He contends that petitioner is the member of the said gang and had actively participated in the crime, as such custodial interrogation of the petitioner is required to ascertain whether the petitioner is indulged in some anti national activities which will endanger the national security.

5. After considering the arguments and perusing the record, it

transpires that the instant case was registered on the basis of secret information, and consequently upon raid being conducted accused Pankaj, Deepak and Ashok were apprehended. During course of investigation accused Deepak nominated the petitioner in his disclosure statement, wherein it was stated that the petitioner used to visit the surrounding villages and to entangle the persons in their plan for getting their accounts opened in the banks and also issuance of new SIM cards to be linked with those accounts and then he used to deliver the kits received from the banks in the name of those persons for being used in extorting money from innocent citizens. It further came in investigation that ₹30,000/-were paid by the petitioner for each of such account opened by the co-accused. Petitioner happens to be an active member of the gang operating the cyber scams whereby extorting hard earned money from the innocent citizens. Considering the gravity of offence and also the nature of cyber scam in which the petitioner is indulging, his custodial interrogation is required. Therefore, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

03.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |