2024:PHHC:140773

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

262

CRM-M-41722-2024 (O&M)
Date of decision: 25.10.2024

Rohit Kumar **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Tajeshwar S. Sullar, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. *(Oral)*

1. Prayer in this petition, filed by the petitioner under Section 483 of BNSS, 2023, is for grant of regular bail in case bearing FIR No. 21 dated20.04.2024, registered under Sections 406, 419, 420 of IPC read with Section 120-B of IPC and Sections 66, 66-D of the Information Technology Act, 2000 at Police Station Cyber Jhajjar.

2. As per the prosecution case, a complaint was filed by complainant Vijay Kumar alleging therein that on 09.04.2024, he received a message on Telegram App installed in his cell phone and the messenger Suman, while introducing herself as recruiter of Randstad India Pvt. Ltd. company, offered a part time job in Google and Telegram companies by mentioning that he could earn a sum of Rs. 200/- to Rs. 5,000/- per day by working as such. The recruiter also asked the name and number of the complainant and sent a link for giving ratings and reviews to some given hotels. The complainant did so and received an amount of Rs. 1500/-. On

being allured, he joined on Telegram channel with some unknown persons and had been called upon by them to deposit an amount of Rs. 7000/- by saying that in lieu thereof, he would be receiving an amount of Rs.9300/- along with profit. An ID was created in the name of the complainant at one website, namely okx.82.com and he was told that this platform dealt in sale and purchase of crypto currency. The complainant was induced to deposit a total sum of Rs. 68,632/- on giving assurance to fetch profits. Then on 16.04.2024, the complainant was made to transfer an amount of Rs. 5,65,805/- in the account of one Pooja Kashyap. On the same day, on their instructions, the complainant also transferred an amount of Rs.4,00,023/- from the bank account of his wife and subsequently, he transferred different amounts of money on different dates. In this manner, a total sum of Rs.14,51,710/- was got deposited from him. The complainant alleged that when he did not receive any amount of money along with profits and demanded the same, he was asked to firstly deposit income tax of a sum of Rs. 5,00,000/-. Having suspicion, he reported the matter to the police. On his complaint, initially a case under Sections 406, 419 and 420 read with Section 120-B of the IPC was registered. Offences under Sections 66, 66-D of the Information Technology Act were added later on. During the course of investigation, the petitioner was arrested on 02.05.2024. Investigation has since been completed and challan has been presented before the Court. The petitioner is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 24.07.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. In fact, it is Pooja Kashyap, who is the kingpin of the crime but she has been given clean chit by the police and has been made a witness. Out of the amount of Rs.14,51,710/-, allegedly deposited by the complainant, an amount of Rs. 9,65,828/- was transferred by way of RTGS to the account of Pooja Kashyap and the remaining amount was deposited by way of UPI transactions to different UPI IDs and also to one Radheshyam enterprises. The petitioner was living in live-in-relationship with aforesaid Pooja Kashyap and it was only out of love and believing her that he had allowed her to use his bank account for transfer of funds and it was as per her asking that the amount of Rs. 4,65,828/- was transferred from her account to his account. In fact, he had further transferred the amount of Rs. 5,00,000/- in the bank account of co-accused Akash Nagpal and that too on the asking of Pooja Kashyap. He was not a beneficiary of the entire transactions. The main culprits are Pooja Kashyap, Dilipa Kumar and Akash Nagpal. The petitioner is in custody since 02.05.2024. Investigation has since been completed. His further detention would not serve any useful purpose as the trial is likely to take time. Subject offences are triable by the Magistrate. Therefore, it is urged that the peresnt petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that the complicity of the petitioner along with co-accused Akash Nagpal in committing offences of cheating and criminal misappropriation of money has been established during the course of investigation. Pooja Kashyap was a bank employee and a colleague of the

present petitioner, who extracted her account details along with debit card and transferred an amount of Rs. 5,00,000/- into her bank account and subsequently withdrew it by using cheque of Pooja Kashyap. The said amount had been handed over by the petitioner to Akash Nagpal. The investigation has also revealed that he had transferred an amount of Rs.4,00,000/- extracted from the complainant into bank account of Dilip Kumar, who is his relative. He has misused the bank account of Pooja Kashyap and in connivance with Akash Nagpal had utilized the funds obtained from the complainant in a fraudulent manner. The trial has commenced and it may be expedited. The complainant and material witnesses are yet to be examined. There are chances of the petitioner's absconding or intimidating the witnesses, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. The petitioner, in connivance with co-accused, is alleged to have induced the complainant to part with an amount of Rs.14,51,710/- by offering him a part time job in multinational companies like Google and Telegram and by alluring him that he would be earning good amount of money on daily basis and by inducing him that after investing the said amount, he would be fetching handsome profits. Out of this amount, an amount of Rs.4,65,000/- is shown to have been deposited in his own bank account and as disclosed by Pooja Kashyap, an additional amount of Rs. 5,00,000/- had also been withdrawn by him from her bank account as he had received her debit card and bank details. During the course of investigation, the active involvement of

the petitioner in the commission of subject offences has been established. The allegations against him are serious in nature. The gravity of the allegations is one of the ground to be considered for the purpose of granting or denying the benefit of bail to an accused. There is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the gravity of offences alleged to have been committed by the petitioner, the fact that the material witnesses have not been examined so far and in view of the discussion as made above, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

25.10.2024 **(MANISHA BATRA)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*