

CRM-M-41204-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41204-2024
Reserved on: 04.11.2024
Pronounced on: 07.11.2024

Navjot Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vipin Kumar Shama, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0069	06.06.2024	City Nakodar, Jalandhar, District Jalandhar	419, 420, 465, 467, 468, 471, 511, 120-B IPC and 66(D) of Information Technology Act 2000

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts of the matter are that a complaint bearing No. 1450/PTM dated 21.05.2024 was filed by the complainant Viral Joshi, Legal Advisor to India First Lice Insurance Company Limited, Goregaon East, Mumbai on behalf of the said company. to the office of Senior Superintendent of Police, Jalandhar; in which, the complainant stated that the said company had issued policies in the names of different persons and cheating/forgery has been come in the notice of the company as some alleged persons withdrawn money by preparing false documents, changing Mobile Number etc. of the original customers and thereby, a total fraud of Rs 1, 18, 45, 512/- has been noticed by the company.

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In brief, the complainant stated that the details of the 07 policy holders are that 1) Davinder Singh R/o Cheemakalan, Tehsil Phillaur, with policy number 70441825 2) Tarlochan Singh, R/o Azad Nagar, near Public School, Shahkot, with policy number 70468831 3) Davinder Singh, R/o 5/221/124, Street No. 3, Vishnu Garden, Tilak Nagar West, Delhi, with policy number 70613904 4) Davinder Singh S/o Pritpal Singh, R/o Flat No. 41, Gitanjali Enclave, 4th Floor, East Singhbhum, Jharkhand, with number policy 70749695 5) GulapaliRohanzeriVokta, R/o House No. 214, Dumela, Road No. 14, Jubilee Hills, Hyderabad, Telangana, with policy number 70204383 6) Sher Singh, with policy No. 70615648 7) Mohan Singh Wicht, with policy No. 70279529.

The complainant further stated that the alleged accused persons initially gained access to the personal information of the policyholders, such as names, addresses, policy details and other sensitive information. Based on the said information, they forged identity documents, including Aadhaar cards and signed letters, which were submitted to the insurance company as genuine documents. The fraudsters sent emails from fabricated email addresses that closely resembled with the original e-mails of the policyholders. The alleged accused further attached the forged identity documents with emails and further requested to change the registered email IDs and contact numbers on the insurance policies. Therefore, the alleged persons managed to take control over the communication with the Insurance company and the alleged persons managed to get surrenders of the above-said policies from the company on the basis of false/forged details, as mentioned hereinabove.

The complainant further stated that the alleged accused persons get undue benefit of Rs 1, 18, 45, 512/- by committing fraud with the above-said company and the beneficiaries of the above-said policies. Therefore, the complainant requested to take legal action.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“14. That in compliance of the above-said order dated. 05.09.2024 passed by this Hon'ble Court, the response to the specific 03 queries put in by this Hon'ble Court are as follows:-

A) THE ROLE OF THE PETITIONER:- The present petitioner and Rohan Pandey used to prepare false documents after getting SIM cards with false/forged documents and then they used to send e-mails to the company with request to change the number and then they update the fresh address and get the surrender of the policy on the basis of forged documents. Thereby, they usurped money of various policy holders. An amount of Rs 26, 66, 820/- was transferred in the fake Account No. 16150100061295 of Federal Bank of India by getting surrender the policy number 70204383 of policy holder Gulapali Rohanzeri and similar modes- operandi was adopted in the case of other policy holders.

B) THE EVIDENCE AGAINST THE PETITIONER:- Upon arrest of the petitioner, the Police recovered 02 surrendered Policies/Documents from the above-said car bearing No.PB-08-EZ-9290, Tata Punch.i.e 1) 70279529- Mohan Singh (Fake Name) 2) 70615648-Sheru Singh T Viridi (Fake Name), in which, the petitioner was travelling with the accused Rohan Pandey. Further, the details of ATM Card recovered from the petitioner are mentioned in detail in Para No.9 hereinabove.

C) CUSTODY CERTIFICATE OF THE PETITIONER:- The custody certificate of the petitioner has been provided by the concerned jail authorities. Copy of the same is annexed herewith as annexure R-1.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 9 of the bail petition, the petitioner has been in custody since 14.06.2024. As per the custody certificate dated 03.11.2024, the petitioner's total custody in this FIR is 04 months & 20 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

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10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

07.11.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.