

CRM-M-444-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-444-2025
Reserved on: 04.02.2025
Pronounced on: 07.02.2025

Raj Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shekhar Thakur, Advocate
Mr. Vikas Singh, Advocate and
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
110	27.11.2024	Cyber Jhajjar, District Jhajjar	318(4) of BNS 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents, however in para 10 of the status report dated 14.01.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	81	26.06.2024	420 IPC	Cyber Crime Bhiwani
2	82	26.06.2024	420 IPC	Cyber Crime Bhiwani
3	25	16.08.2024	420, 406, 120-B IPC	Cyber Crime Hansi

3. The facts and allegations are taken from the reply dated 14.01.2025, which reads as follows:

“4. That the facts leading to the registration of present FIR are that on 26.11.2024, the complainant namely Inderjeet moved his written complaint in PS Cyber Crime Jhajjar in the manner that” To, SHO Sir, PS Cyber Jhajjar, Haryana. Sir,I, Inderjeet Singh son of Raghubir Singh is resident of Bhurawas, PS Sahlawas, District Jhajjar. I am a government teacher. My salary is credited to my SBI bank account, branch Matanhail,

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account number 30214316317. In December 2023, I took a personal loan of ₹25 lakh against my salary through KUTARI WEALTH COMPANY, Sector-15, Hisar, which was deposited in my SBI account 30214316317 after deducting the remaining balance of the loan, I had taken earlier in December 2019 from the same branch. Later, on 01.10.2024, I came to know through ICICI Bank that a credit card had been issued in my name, through which purchases worth 24,85,417/- were made, which have not yet been paid. Upon inquiry with ICICI Bank, I found out that a credit card number 6528680012145008 had been issued in my name, and the registered mobile number was 7056974937, which is not mine. Upon further inquiry with the bank, I discovered that the said credit card was issued from ICICI Bank's branch Old Bus Stand Hisar, Rajgarh Road, Siwani, Bhiwani. I do not have any account in ICICI Bank. This credit card was issued without my knowledge, and purchases worth 24,85,417/- were fraudulently made by unknown persons. I have already filed Cyber Complaint No. 21310240041508 regarding this matter. Since I had not received any information from the banks until now, I am personally presenting my written complaint to you today dated 27.11.2024. Kindly take legal action against the individuals who fraudulently issued the credit card in my name without my knowledge and cheated me of Rs.4,85,417/-.

5. That on the basis of the above said complaint, the present FIR No.110 dated 27.11.2024 was initially registered u/s 318(4) of BNS, PS-Cyber Jhajjar and the investigation was set into motion.”

4. Petitioner’s counsel submits that the FIR was lodged by Inderjeet Singh, alleging fraudulent issuance of a credit card in his name, leading to unauthorized transactions worth ₹4,85,417/-. He further submits that during the investigation, it was found that the credit card was linked to mobile number 7056974937, which is allegedly registered in the petitioner's name. The petitioner asserts that he received the OTP on his mobile phone. However, the petitioner denies any involvement and asserts that mere possession of the mobile number does not establish his guilt. 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. During the course of arguments, State counsel agrees that further investigation is also required to be carried out regarding the points of sale where the credit card was used but she submits that there is sufficient evidence connecting the petitioner with crime because mobile number of the petitioner was there in the customer application which would show that OTP was going to him, however petitioner’s counsel submits that he never received any OTP nor he shared.

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

“7. That during the course of investigation, Customer Application Form of SIM No. 7056974937 was obtained and on its perusal it was found

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registered in the name of the present petitioner which was connected to credit card No. 6528680012145008 and all the proceedings of issuance of credit card were done through the aforesaid mobile number registered in the name of the present petitioner. It is pertinent to mention here that the present petitioner was previously working as Sr. Executive in the same bank from 29-07-2022 to 28-02-2024 from where the aforesaid forged credit card was issued and was removed from his service after the aforesaid fraud committed by him and his presently unemployed.”

REASONING:

7. Firstly the petitioner has not mentioned criminal history, which is one of the most important aspects while granting or rejecting bail. Secondly, perusal of the reply shows that petitioner had misused his post in banking sector and if this Court grants bail to the petitioner, public would lost their trust and would not feel safe to save their money in banks and it would throw adverse effect on banking sector.

8. The sly way the petitioner conned the complainant points out the dangerous trend of the revival of thuggee by revisiting the history.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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

11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

07.02.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.