IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(204) **CRM-M-43802-2024**
Date of Decision : 16.01.2025

Ajit Kumar Singh …Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Mandeep Nehra, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

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KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Section 483 of BNSS, 2023, the petitioner prays for grant of regular bail in case FIR No.6 dated 09.01.2024 (Annexure P-1), under Sections 419 and 420 of the IPC, 1860 (Sections 467, 468, 471, 120-B, 201 and 204 of the IPC, added later on), registered at Police Station Cyber Crime, District Yamuna Nagar, Haryana.

2. The petitioner has earlier approached this Court, seeking the relief of interim bail. However, the said petition was dismissed as withdrawn, vide order dated 03.05.2024 (Annexure P-5).

3. The instant FIR has been registered on a complaint, made by one, Usha Dua, wife of Naresh Kumar, alleging therein, the she has been duped for an amount of Rs.9,22,500/-, by way of cheating, and defraudment by Cyber Crime fraudsters. The relevant extract of the FIR (supra), reads as under :-

"The copy of the complaint is as under. Respected S.H.O Sir Police Station Cyber Crime Yamuna Nagar. Sir I Usha Dua Aged about 74 years wife of Shri. Naresh Kumar Resident of House No- 1896. Civil Line Jagadhri Mobile No.8684937856, 8708687470 and I am a retired Professors and I remains at home, on dated 27.12.2023 at 4:00 PM a call came on my husband's number 9416021141 from mobile No.7835862204 and said that I am calling from Max Life Insurance and he told my husband about my policy which I had taken and had to be matured, then my husband told him that, send me the details of policy. Then they send the details of my policy on my husband's Wats app. After that they talked with me and said that the maturity of 179236 in your policy is about to come, if you deposit at once 9 installments from the rate of RS 50000/- per year then you will get RS 1200000/- in 2025. After that they give the Mobile number 8826044951 of their RM Shri Rajbir Singh to my husband and my husband talked on this number and then Rajbir Singh gave on my husband's Wats App Max Life Insurance company account number-12620100224535,IFSC- FDRL0001262, FEDERAL BANK DELHI and told to deposit RS 472500/-, which I and my husband on 03.01.2023 deposited from my Bank of Baroda account no- 29060100002311 through RTGS to Max life Insurance company account No.12620100224535, IFSC-FDRL0001262, FEDERAL BANK OF INDIA. After that the RM Rajbir Singh of Max Life Insurance said that you have one more policy, if you deposited another RS 450000/- in this policy then G.S.T will not be applicable on you and you will get another Rs 1200000/-, on which I and my husband Naresh Kumar Dua on 06.01.2024 broke the F.D kept in the bank, deposited through RTGS in the Max Life insurance company account number 00071000717136,IFSC-

> *PSIB000007, Punjab and Sindh bank Delhi. After that I searched the documents of my policy which I had kept at home and compared with the detail of policy send by the RM Rajbir Singh of Max Life Insurance, which I found different on which I got suspicious, then I went to the office of Max Life Insurance, who told me that you has been forged, after which on 08.01.2024 I registered online complaint on online Cyber Crime Portal who's number is 21301240000855, like this on name of Max Life Insurance Policy and becoming the false employee of that, doing forgery with me and my husband, got deposited Rs.472500/- and Rs.450000/- in two bank accounts No. 12620100224535, IFSC-FDRL0001262, FEDERAL BANK OF INDIA and account No.00071000717136, IFSC-PSIB000007, Punjab and Sindh bank Delhi, strict to strict legal action be taken against these persons and I should get my money back."*

4. During investigation, the present petitioner along with the other co-accused was arrested in the instant FIR. What surfaced during the investigation is that the petitioner is the mastermind, and main accused of the aforesaid offence, and he is stated to be involved in three other cases of similar nature.

5. In deference to the directions issued by this Court, by drawing an order dated 18.11.2024, reply dated 16.01.2025, by way of affidavit of Mr. Rajeev Miglani, HPS, Deputy Superintendent of Police, Jagadhri, on behalf of the respondent-State, has been filed by the learned State counsel, today in the Court, and the same is taken on the record. The role of the present petitioner, which surfaced during the investigation, mentioned in paragraph No.16 of the reply (supra), is extracted hereinafter :-

> *"16. **Role of the petitioner** - That with respect to the role of the petitioner, it is submitted that the petitioner is the mastermind and kingpin of the aforesaid offence. The petitioner and his co-accused Gurpreet Singh are policy brokers and they used to sell insurance policies to the customers and therefore the petitioner and his co-accused Gurpreet Singh had active knowledge about the details of insurance policies of the customers. The petitioner and his co-accused Gurpreet Singh were running an office in Nirman Vihar, New Delhi in a rented premises. The petitioner and his co-accused Gurpreet Singh used to allure the customers to pay handsome maturity amount by representing themselves to be the employee of insurance company and thereby managed to get transfer money in their bank account. The petitioner and his co-accused make telephonic calls to the complainant/victim by falsely representing themselves to be the employees of Max Life Insurance Company and allured them to deposit money as insurance premium on the false promise of good maturity amount and thereby managed to transfer Rs.9,22,500/-. Out of the above said amount Rs.3,00,000/- fell to the share of the petitioner whereas remaining amount was kept by the co-accused Gurpreet Singh. Thus the petitioner played active role in the commission of offence."*

6. On asking for the relief (supra), learned counsel for the petitioner submits that the petitioner has undergone incarceration of more than 10 months, as on date, and there is no progress in the trial, as charges are yet to be framed. He further submits that all the offences, in which the petitioner is facing a trial, are triable by the Judicial Magistrate, Ist Class, and therefore, the conclusion of the trial would take long time.

7. On the other hand, learned State counsel, on instructions imparted to him by SI Vishal Saini, P.S. Cyber Crime, Yamunanagar, has vociferously opposed the relief asked for, and submitted that the petitioner is the main accused and mastermind, behind the instant crime, and has duped the complainant for lakhs of rupees, and the petitioner is also stated to be involved in three other cases. Learned State counsel on further instructions informs this Court, that as on date, only the chargesheet has been prepared against the present petitioner, and charges are yet to be framed.

8. Learned State counsel has also placed on record the custody certificate dated 15.01.2025, qua the petitioner, today in the Court, which is taken on the record. The custody certificate reflects that the petitioner has undergone incarceration of 10 months and 06 days, as on today.

9. This Court has heard the rival submissions made by the learned counsel for the parties concerned, and has perused the entire record.

10. Be that as it may, considering the facts; (i) that all the offences in which the present petitioner is facing a trial, is triable by the Judicial Magistrate, Ist Class, (ii) the petitioner has undergone incarceration of more than 10 months, as on today, (iii) the trial is yet to begin, and changes are yet to be framed, this Court deems it appropriate to enlarge the present petitioner on regular bail. Accordingly, the instant petition is **allowed**.

11. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

12. At this stage, it is made clear that in case, in future, the petitioner is found to be committing any criminal offence, the respondent-

State, is at liberty to file an appropriate application for cancellation of the bail granted to the petitioner.

13. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

January 16, 2025
Manpreet

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