IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

224 **CRM-M-57529-2024**
Date of decision: 23rd January, 2025

Vikram Pal Singh Jadaun @ Monti Banna

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Priyanka Deo, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Ritesh Tomar, Advocate for the complainant.

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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 49 dated 03.04.2024 registered under Sections 420, 467, 468, 474, 120-B of IPC, 1860 and Section 66-D of Information Technology Act at Police Station Cyber Crime NIT, Faridabad, Haryana.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of a complaint got lodged by the complainant-Manoranjan Tripathi, making allegations that he was induced to join a *Whatsapp* group which was managed by one Rahul Sharma, who provided tips for making investment in

stock market. On the insistence of the said Rahul Sharma, the complainant joined one institution namely SMCLE (which was an online institution for training) to learn institutional trading. On joining the same, he found that several persons had joined the group and had been depositing money to do institutional trading. The images of fund transfers were also attached in the above discussed *Whatsapp* group. On being so induced, the complainant also started investing money on the basis of tips given in the *Whatsapp* group and on the App provided by SMCLE institution. One day, he received information to withdraw the invested money as the SMCLE institution was going to be closed. The complainant who had deposited huge amount of money tried for withdrawal of the same but was asked to deposit service charges of Rs. 38,00,000/-. The complainant somehow managed to do the same and then was asked to deposit another sum of Rs. 19,00,0000/- as some some tax and when he insisted for refund of his money, the contact numbers were switched off. Having realised that, he had been duped of an amount of Rs. 1,17,21,396/-, he prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated.

3. As per the further allegations, accused Varun Thakur was arrested on 09.05.2024 on finding incriminating evidence against him. He was interrogated and suffered disclosure statement admitting his involvement in the act of hatching conspiracy and cheating public persons and took the name of the co-accused Shambhu Chaudhary, who was arrested on 09.05.2024 and took the name of accused-Durgashankar Meghwal @ Suraj Rathoer. Accused Durgashankar Meghwal @ Suraj Rathore was also

joined into investigation. The present petitioner was nominated as an accused by accused-Durgashankar Meghwal . He was arrested on 15.05.2024 and suffered disclosure statement. It was revealed that the present petitioner had made available a bank account at Punjab National Bank opened in the name of Aayushi Enterprises and he in-connivance with the other accused used to get money of public persons deposited in that account and then shared the same equally with the co-accused. In this manner, an amount of Rs. 5,53,00,000/- was deposited in the bank account provided by the petitioner and the same was usurped by him and the co-accused. It was also revealed that fake Aadhar Card in the name of Suraj Rathore had been prepared by accused Durga Shankar Meghawal to conceal his real identity. Offences under Sections 467, 468 and 474 of IPC were added. The present petitioner got recovered a sum of Rs. 1,000/- in pursuance of his disclosure statement. The co-accused also got effected sum of recovery of small amounts of money. Investigation is still going on as some of the co-accused are yet to be arrested and joined into investigation.

4. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He was not named in the FIR and has been involved in this case on the basis of disclosure statement of the co-accused Durga Shankar Meghawal @ Suraj Rathore, which cannot be admissible in evidence. Trial is likely to take time. Investigation qua the petitioner stands concluded. His further detention would not serve any useful purpose. The subject offences are triable by the Magistrate. With these broad submissions, it is urged that

the petitioner deserves to be released on bail.

5. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has submitted that the petitioner along with the co-accused, cheated and committed fraud not only the complainant, several other innocent persons thereby inducing them to invest money on the pretext of fetching profits and had caused wrongful loss to the tune of Rs.1,17,21,396/- to the complainant and overall loss of Rs. 5,53,00,000/- to the public persons. There are serious allegations against the petitioner as by forming a chain with co-accused, the subject offences had been committed. There are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner in connivance with the co-accused is alleged to have hatched a conspiracy to defraud/cheat public persons and being a part of that conspiracy he is alleged to have provided a bank account, wherein money of the investors including that of the complainant was got deposited. The money so deposited is alleged to have been withdrawn by the complainant and the co-accused. As such, he was also beneficiary of the crime. The allegations against the petitioner are serious in nature. These allegations are against the society at large and not against the complainant alone. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Taking into consideration the above

mentioned facts but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd January, 2025

Parveen Sharma	*1. Whether speaking/ reasoned*	*:*	*Yes / No*
	2. Whether reportable	*:*	*Yes / No*