2025:PHHC:010934

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

270+273

1. CRM-M-58773-2024 (O&M)

Mool Chand **...Petitioner**

Versus

State of Haryana and another **...Respondents**

2. CRM-M-59386-2024 (O&M)

Dinesh Barjaniya **...Petitioner**

Versus

State of Haryana and another **...Respondents**

Date of decision : 24.01.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ankit Chauhan, Advocate
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. *(Oral)*

1. This common order shall dispose of above mentioned two petitions as they arise out of the same FIR and seek similar relief.

2. The instant ones are the second petitions which have been filed by the petitioners seeking regular bail in case bearing FIR No.57 dated 17.07.2024 registered under Sections 318 (4), 336 (3), 338, 340 and 61 of the Bharatiya Nyaya Sanhita, 2023 *(For short "BNS")* at Police Station Cyber Crime, District Panchkula. The previous petitions filed by the petitioners, bearing numbers ***CRM-M-42340-2024*** and ***CRM-M-42304-2024***, respectively, were dismissed by this Court on 04.09.2024 by passing detailed orders.

3. The facts of the case as noticed in the petition bearing number ***CRM-M-42340-2024*** are reproduced herein below:

> "…FIR No.57 dated 17.07.2024 registered under Sections 318 (4), 336 (3), 338, 340 and 61 of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") at Police Station Cyber Crime, District Panchkula, on the basis of a written complaint lodged by the complainant Davasis Chaudhary who was a retired Army Officer, alleging therein that on 20.06.2024, he received a call from cell phone No.9669778752 on his mobile phone No.9847928026. The caller told him that he was from the bank of the complainant and some information had been received qua his credit card. The caller then told him to make complaint in this regard and connected his call at the police station. Then the complainant was asked to make contact at mobile No.-6366698960. He sent a Whatsapp message to him. Then he received a video call and the caller while introducing him as a police officer from Police Station Bandra (Mumbai) told him that his son had been arrested in a money laundering case and thereafter he sent on his Whatsapp, a letter shown to be issued by Director of Enforcement which was carrying his photograph and was bearing stamp of Supreme Court. The complainant and his wife were extended threats to not to tell about the facts disclosed by him to anybody till the investigation was completed and otherwise he would be arrested. Thereafter, he was made to talk with some female officer on 24.06.2024 who threatened that his case would be transferred to CBI. The complainant was also made to call with some other person who introduced him as CBI officer. He sent a link to the complainant and told him to click that link. The complainant then received a letter on that link whereby he was asked to deposit an amount of Rs.10 lakhs within two days. The complainant

was made to send through RTGS an amount of Rs.10 lakhs to the bank account, details of which were sent by the callers on his Whatsapp. They continued calling him. Subsequently, he came to know that he had been duped of his money and, therefore, he prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated.

2. During investigation, it was revealed that the aforementioned amount of money was transferred in the bank account of co-accused Sanjay Kumar Maurya. He was arrested on 20.07.2024. On interrogation, he suffered a disclosure statement to the effect that the accused Hemant Kumar Verma had induced him to open an account in his name in IDFC Bank and to give let him operate the same in lieu of a sum of Rs.50,000/- and on his asking, he had opened his account and had given ATM, cheque book and his registered Sim Card to the petitioner-Mool Chand. On the basis of his disclosure statement, the petitioner and the co-accused Sonu Kumar Vaishnav, Hemant Verma and Vishu Chaudhary were also arrested. The trail of this conspiracy was then traced to the co-accused-Dinesh Bijarniya who was arrested on 25.07.2024, who too suffered a disclosure statement to the effect that he had come into contact with some foreigner named as Kaisan through "telegram" application. The said person used to get money from the indians by defrauding them and for that purpose, he had hired several persons in various cities, who used to get current bank accounts opened in the names of different persons and send details thereof to the abovesaid Kaisan. Kaisan used to give details of such bank account holders and their mobile numbers to the co-accused-Dinesh Bijarniya and the latter used to contact such persons and after receiving their cheque books, ATM cards, registered mobile sim card, used to send the same to Kaisan. He further disclosed that

> he had even engaged the petitioner-Mool Chand in this business.
>
> 3. As per the further disclosure made by the co-accused-Dinesh Bijarniya, on 03.07.2024, the above named Kaisan had made a Whatsapp call to him intimating about hiring the co-accused Sanjay Kumar Maurya, a bank account holder and thereafter, he had directed the petitioner-Mool Chand to receive the cheque book, ATM Card and sim card etc. from Sanjay Kumar Maurya and send the details of the same to Kaisan who with the help of an App downloaded in the phone of the co-accused-Dinesh Bijarniya, received money from the bank accounts of different account holders. It was also revealed that the accused Hemant Verma, Sonu Kumar Vaishnav, Vishnu Chaudhary and Sanjay Kumar Maurya on account of greed of money had given their respective bank accounts to the petitioner and co-accused Dinesh Bijarniya on asking of some person named as Chong and hailing from China. The present petitioner was arrested on 24.07.2024. Investigation is still going on."

4. Learned counsel for the petitioners has argued that after dismissal of the previous petitions of the petitioners for grant of bail, there has been a material change in the circumstances as two of the co-accused, namely Hemant Verma and Vishnu Chaudhary, have been extended benefit of regular bail by the learned trial Court by observing that the investigation has been completed and challan has been presented. It is submitted that on the grounds of parity, the petitioners too deserve to be released on bail. Learned counsel for the petitioners has further argued that one more change in the circumstance is that a compromise has been effected between the complainant and the petitioners as well as other co-accused since the money of the complainant has been returned to him and a petition seeking quashing of FIR on the basis of

the said compromise has already been filed by the petitioners and other co-accused, which is pending before this Court. It is submitted that in the given circumstances, no useful purpose would be served by keeping the petitioners in custody anymore. Hence, it is urged that the petitions deserve to be allowed.

5. Status reports have been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has vehemently argued that previous bail petitions of the petitioners had been dismissed by this Court by passing detailed orders and after taking into consideration all the contentions raised by the petitioners including the fact that a compromise had been arrived at between the parties. It is submitted that there are chances of the petitioners' committing similar offences, if extended benefit of bail. The petitioners, by hatching conspiracy with the co-accused, had duped the complainant and other innocent persons of huge amount of money. It is a different matter altogether that might have won over the complainant by now by giving back the money, which was extracted by them. The petitioners are part of a large organized crime syndicate of international level, which is engaged in extracting money from innocent persons. Such like crimes are on rise these days. The petitioners are not entitled to get benefit of bail. Hence, it is urged that the petitions are liable to be dismissed.

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

7. The previous petitions filed by the petitioners for grant of regular bail had been dismissed by this Court on 04.09.2024 by passing detailed orders and by observing that by hatching a conspiracy with the co-accused, the petitioners had coerced the complainant to part with a huge amount of

money, thereby causing wrongful loss by way of deceit to him. The petitioners have claimed that a compromise has been arrived at between them and the complainant and have also placed on record a copy of order dated 11.11.2024 passed by this Court in the petition bearing number CRM-M-47380-2024, which has been filed seeking quashing of the FIR, which is subject matter of these petitions. However, authenticity of such compromise is yet to be tested. While deciding the previous petitions, the factum of this compromise had been taken into consideration by this Court. In connivance with the petitioner, the co-accused had gone to the extent of threatening the complainant by showing him false and fabricated documents by claiming that the same had been issued by Hon'ble Supreme Court and extracting huge amount of money from him. The wrong alleged to be committed cannot be termed to be private or personal in nature. Rather, in the given circumstances, it is an offence against the public having potential to provide an impetus to a proclivity on the part of the petitioner and such like persons to continue with such acts buoyed by the thought that they would get away with crime by offering money to the victim. Keeping in view the grave nature of the allegations as levelled against the petitioner, I am of the considered opinion that he does not deserve to be released on regular bail, at this stage. Accordingly, the present petition is dismissed.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petitions and the same shall have no bearing on the merits of the case.

24.01.2025 **(MANISHA BATRA)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*