

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8697-2025
Reserved on: 01.04.2025
Pronounced on: 21.04.2025

Rohan Pandey

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vivek K.Thakur, Advocate,
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
69	06.06.2024	Nakodar City, District Jalandhar	419, 420, 465, 467, 468, 471, 511, 120-B IPC (Section 511 IPC deleted and Section 474 IPC added later on along with Section 66(D) of Information Technology Act, 2000)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court second time under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 13 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:

“3. That FIR No.69 dated 06.06.2024 U/s 419, 420, 465, 467, 468, 471, 511, 120-B IPC and Section 66(D) of Information Technology Act, 2000 was registered at Police Station: City Nakodar, District Jalandhar Rural on the basis of a complaint bearing no.1450-PTM dated 21.05.2024 given to Senior Superintendent of Police, Jalandhar Rural by Complainant namely Viral Joshi, who is working as Legal Advisor in the Legal Team of India First Life Insurance Company Limited. The brief facts, as stated by the complainant in the complaint, are as follows:

i. That Davinder Singh is a policy holder with the complainant company holding policy no.70441825. On 26.03.2023, the complainant company

received email from email id davinders2504@gmail.com along with a duly signed letter and AADHAR wherein a request was made to change the contact number of the policy holder from 88721-xxxxx to 85597-xxxxx. On the basis of the said request, the contact number of Davinder Singh was changed. Thereafter, on 12.04.2023, a 'surrender request' was received along with the form and bank details. Accordingly, credited an amount of Rs.15,93,550 /- was credited to the given account no.: 20590100xxxxxx, Federal Bank, Nakodar. Later on, the customer/ policy holder approached the complainant company and informed that he never applied for surrender and thus a fake surrender request was sent by someone to defraud the customer/policy holder.

ii. That Tarlochan Singh is a policy holder with the complainant company holding policy no.70468831 On 28.07.2023, the complainant company received email from email id-tarlochanmobile234@gmail.com along with a duly signed letter and AADHAR wherein a request was made to change the contact number of the policy holder from 98764-xxxxx to 86992-xxxxx. On the basis of the said request, the contact number of Tarlochan Singh was changed. Thereafter, on 19.12.2023, a 'surrender request' was received along with the form and bank details. Accordingly, an amount of Rs.21,06,709/- was credited to the given account no.:86510100xxxxxx, Punjab Grameen Bank, Jalandhar. Later on, the customer/ policy holder approached the complainant company and informed that he never applied for surrender and thus a fake surrender request was sent by someone to defraud the customer/ policy holder.

iii. That Davinder Singh is a policy holder with the complainant company holding policy no.70613904. On 09.08.2023, the complainant company received email from email id davinders2504@gmail.com along with a duly signed letter and AADHAR wherein a request was made to change the contact number of the policy holder from 84678-xxxxx to 82642-xxxxx. On the basis of the said request, the contact number of Davinder Singh was changed. Thereafter, on 16.08.2023, a surrender request' was received along with the form and bank details. Accordingly, an amount of Rs.10,34,066/- was credited to the given account no.: 20590100xxxxxx, Federal Bank, Nakodar. Later on, the customer/ policy holder approached the complainant company and informed that he never applied for surrender and thus a fake surrender /request was sent by someone to defraud the customer/policy holder.

iv. That Davinder Singh is a policy holder with the complainant company holding policy no.70749695. On 07.10.2023, the complainant company received email from email id davinders30771@gmail.com along with a duly signed letter and AADHAR wherein a request was made to change the contact number of the policy holder from 92346-xxxxx to 85597-xxxxx. On the basis of the said request, the contact number of Davinder Singh was changed. Thereafter, on 11.10.2023, a 'surrender request' was received along with the form and bank details. Accordingly, an amount of Rs.8,44,367/- was credited to the given account no.: 2059010xxxxxx Federal Bank, Nakodar. Later on, the customer/ /policy holder approached the complainant company and informed that he never applied for surrender and thus a fake surrender request was sent by someone to defraud the customer/ policy holder.

v. That Gullapalli Rohanasree is a policy holder with the complainant company holding policy no.70204383. On 25.10.2023, the complainant company received email from email id-gullapallirohanasree@gmail.com along with a duly signed letter and AADHAR wherein a request was made to change the contact number of the policy holder from 95734-xxxxx to 90412-xxxxx. On the basis of the said request, the contact number of Gullapalli Rohanasree was changed. Thereafter, on 27.10.2023, a 'surrender request' was received along with the form and bank details. Accordingly, an amount of Rs.26,66,820/- was credited to the given account no.: 16150100xxxxx, Federal Bank, Jalandhar. Later on, the customer/ policy holder approached the complainant company and informed that he never applied for surrender and thus a fake surrender request was sent by someone to defraud the customer/ policy holder.

vi. That Sheru Singh Viridi is a policy holder with the complainant company holding policy no. 70615648. With regard to this policy, an attempt was made to change the contact details as well a surrender request was made to transfer an amount of Rs.17,00,000/- into the bank account no.6391101xxxxx, Bank of India, Phagwara but the fraud was detected as there was a mismatch in the signatures of policy holder. Thus, no amount was transferred into the account details which was sent from email id - sherusinghvirdi5@gmail.com.

vii. That Mohan Singh Bisht is a policy holder with the /complainant company holding policy no.70279529. With regard to this policy, and request was made on 19.12.2023 to change the contact details as well a surrender request was made to transfer an amount of Rs.19,00,000/- into the bank account no.03440100xxxxx, Indian Overseas Bank, Phagwara. On the basis of the said request, contact no. of the policy holder was changed from 90412- xxxx and email id was changed to mohansingh14053@gmail.com. However, no amount was transferred into the account details which was sent.”

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 his 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:

“Role of the petitioner

11. That the present petitioner is one of the masterminds in the instant case as the photograph affixed on CAF of mobile no. 98541-xxxxx (pertaining to the petitioner) is that of the same person who, by submitting fake documents in different banks and by affixing his photographs, got opened the bank accounts and got the amount credited from complainant company. Therefore, it was the present petitioner namely Rohan Pandey who had disguised himself and opened fake bank accounts in the name of

the persons(s) whose policy was intended to be got surrendered from the complainant company.

Furthermore, at the time of petitioner's arrest, one fake voter card bearing no.ASM1409549, one fake PAN card no.CLJPA9285 (both the said fake documents were in the name of RohanasreeGullapali) along with car bearing registration no. PB-08-EZ-9290 make Tata Punch was recovered. It is pertinent to mention herein that from the dashboard of the said car, fake documents of surrender certificates no.70279529 and 70615648 were also recovered.

EVIDENCE AGAINST PETITIONER:

12. That as noted above, present petitioner is one of the masterminds in the instant case as the photograph affixed on CAF of mobile no. 98541-xxxx (pertaining to the petitioner) is that of the same person who, by submitting fake documents in different banks and by affixing his photographs, got opened the bank accounts and got the amount credited from complainant company. Therefore, it was the present petitioner namely Rohan Pandey who had disguised himself and opened fake bank accounts in the name of the persons(s) whose policy was intended to be got surrendered from the complainant company. Furthermore, at the time of petitioner's arrest, one fake voter card bearing no. ASM1409549, one fake PAN card no. CLJPA9285 (both the said fake documents were in the name of RohanasreeGullapali) along with car bearing registration no. PB-08-EZ-9290 make Tata Punch was recovered. It is pertinent to mention herein that from the dashboard of the said car, fake documents of surrender certificates no. 70279529 and 70615648 were also recovered.”

REASONING:

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 the custody certificate dated 31.03.2025, the petitioner's total custody in this FIR is 09 months and 17 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 for 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.

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. This order is subject to the petitioner's complying with the following terms.

12. 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.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

15. 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.

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

(ANOOP CHITKARA)
JUDGE

21.04.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.