

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

213

CRM-M No. 62976-2024 (O&M)
Date of Decision: 03.02.2025

Atanu Choudhary

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Padamkant Dwivedi, Advocate and
Ms. Mansi, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab
assisted by Inspector Satbir Singh,
P.S. Cyber Crime, Ludhiana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed, under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for seeking pre-arrest bail in FIR No.12 dated 31.08.2024, under Sections 308(2), 319(2), 318(4), 351(2), 61(2) of Bharatiya Nyaya Sanhita (for short 'BNS') {Sections 66-C and 66-D of Information Technology Act, 2000 (for short "IT Act") added later on}, registered at Police Station, Cyber Crime, Ludhiana City, District Ludhiana.

2. Above FIR was lodged by *de-facto* complainant-Paul Oswal against unknown persons for committing cyber crime while impersonating themselves as Government officials/E.D officials and committing a fraud of Rs.7.00 crore through cyber crime. For reference, the contents of FIR are extracted as under:-

“ *Complaint against unknown persons for committing*

cybercrime by impersonating as Enforcement Officials and causing a loss of Rs. 7.00 crore to complainant punishable U/s 178, 179, 204, 318, 336, 337, 340 of Bharatiya Nyaya Sanhita, 2023 and other sections of Information and Technology Act, 2000. Sir, The complainant most respectfully submits as under:- 1. That I Shri Paul Oswal (having aadhar no. 608168677755) son of Late Sh. Rattan Chand Oswal, Age 82 years, Residing at 2722, Auro Mirra Bhawan, Pakhowal Road, Gurdev Nagar, Ludhiana -141001.

2. That on 27.08.2024 I had received a voice call from mobile no. 92305-19342 at about 12.07 pm to my mobile number 81466-14444. The person claimed to be from TRAI and threatened for disconnection of mobile connection and further instructed to press 9 in order to continue the services.

3. That as instructed I pressed number 9 on my mobile set in order to continue my mobile services and the call got disconnected.

4. That thereafter I received a whatsapp call from +91-91022-70593 at about 12.17 pm to my above mobile number and the person who called me had introduced himself as Mr. Vijay Khanna of CBI Mumbai Office (Accused no.1). He was accompanied by one Mr. Rahul Gupta who was introduced as The Chief Investigation Officer Central Bureau of Investigation). They said that a FIR bearing no. MH/5621/0224 in Money Laundering case related to Mr. Naresh Goyal and his accomplice had been filed with CBI Mumbai office and alleged my involvement in the matter, which requires investigation. Thereafter I had received his whatsapp message and subsequent whatsapp calls. During the calls they have asked for my another mobile number details (Mob no. 88720-14444). A snap shot of the entire whatsapp chat and call details are attached as Annexure 1 (colly).

5. That thereafter they shared some picture of a case file containing details regarding ongoing investigation against Mr. Naresh Goyal. The pictures of documents contain logo of Mumbai Police, by seeing the same I had believed that call was really from CBI officials. A copy of picture is attached as Annexure 2.

6. That thereafter they shared a document containing Surveillance Rules and Regulations as applicable on a suspect under surveillance. They continuously harping me not to discuss the case with anybody as it would amount to violation of surveillance Rules which would lead to imprisonment (3 to 5 years) of myself alongwith the person with whom information will be shared. A copy of Surveillance rules shared over whatsapp is attached as Annexure 3.

7. That thereafter they created one email account namely sposwal@hotmail.com having password 123abc000 for having a skype video call with me.

8. That at about 3.33 pm I had received a draft letter on whatsapp to be submitted by me to accused no.2 for prioritizing the

investigation against me. A copy of letter is attached as Annexure 4.

9. That at about 4.33 pm I had received a letter on whatsapp mentioning about taking me into digital custody for initial 24 hours. Since the letter contains water marks and stamps of Central Bureau of Investigation, by seeing this I had believed that to be true and genuine. A copy of Digital custody letter is attached as Annexure 5.

10. That thereafter they again called me at about 6.26 pm and the call went on about 45 minutes, wherein they had threatened me about the consequences in case of non-cooperation and further assured me to help me out in the investigation.

11. That in the morning of next day i.e. 28.08.2024 I started receiving there whatsapp calls wherein they had represented that will facilitate me in making a petition before Hon'ble Supreme court and shared the draft petition containing logo and water marks of Hon'ble Supreme Court. I believed the same to be only available legal recourse to me. They further informed me that there would be a hearing of the case no. Writ Petition (Criminal) No. 188 of 2024 before Hon'ble Chief Justice D.Y.Chandrachud. A copy of the petition shared over the whatsapp is attached as Annexure 6.

12. That at about 11.00 am they made a skype call regarding Court hearing in which some body impersonating as Hon'ble Chief Justice D.Y.Chandrachud (though not visible) allegedly heard the matter and after hearing passed an order. They shared the copy of order dated 28.09.2024 over the whatsapp with me. Since the order shared contains name of Supreme Court and stamps of different authorities, I believed it to be true and genuine. A copy of the order shared over the whatsapp is attached as Annexure 7.

13. That as per Supreme Court order I was directed to release all my funds into Secret Supervision Account (SSA) by 28.08.2024 itself. They made me to write a letter to Hon'ble Supreme Court for details of Secret Supervision Account (SSA) and extended my digital custody for 1 more day. A copy of the letter is attached as Annexure 8.

14. That thereafter they shared a document over the whatsapp containing details of SSA Account bearing no. 41670962469 of State Bank of India for transfer of funds. They instructed for transfer of funds in tranches of Rs. 1 crore each. A copy of the document is attached as Annexure 9.

15. That thereafter as instructed by them and believing everything be true and genuine I started transferring funds into the bank accounts as provided by them.

16. That on 28.08.2024 I had transferred Rs. 4.00 crore into the bank account no. 41670962469 vide 4 RTGS. Details of 4 transaction is as under:- Sr No 1. Date of Payment 28.08.2024, Cheque No for RTGS 003530, Bank of Payer ICICI Bank Ltd, Bank Branch Jamalpur Ludhiana, Payer's Bank Account No. 001701018045, Payee's Name FWAL, Payee's Bank Account No. 41670962469, Payee's Bank Name

State Bank of India, IFSC Code SBIN0012259, Payee's Bank Branch G.S Road, Amount remitted 1,00,00,000, UTR No. ICICR52024082800264225, Sr No 2. Date of Payment 28.08.2024, Cheque No for RTGS 003531, Bank of Payer ICICI Bank Ltd, Bank Branch Jamalpur Ludhiana, Payer's Bank Account No. 001701018045, Payee's Name FWAL, Payee's Bank Account No. 41670962469, Payee's Bank Name State Bank of India, IFSC Code SBIN0012259, Payee's Bank Branch G.S Road, Amount remitted 1,00,00,000, UTR No. ICICR52024082800266921, Sr No 3. Date of Payment 28.08.2024, Cheque No for RTGS 003535, Bank of Payer ICICI Bank Ltd, Bank Branch Jamalpur Ludhiana, Payer's Bank Account No. 001701018045, Payee's Name FWAL, Payee's Bank Account No. 41670962469, Payee's Bank Name State Bank of India, IFSC Code SBIN0012259, Payee's Bank Branch G.S Road, Amount remitted 1,00,00,000, UTR No. ICICR52024082800267208, Sr No 4. Date of Payment 28.08.2024, Cheque No for RTGS 000878, Bank of Payer HDFC Bank Ltd, Bank Branch Sector 32A, Samrala Road Ludhiana, Payer's Bank Account No. 50100031916573, Payee's Name FWAL, Payee's Bank Account No 41670962469, Payee's Bank Name State Bank of India, IFSC Code SBIN0012259, Payee's Bank Branch G.S Road, Amount remitted 1,00,00,000, UTR No. HDFCR52024082887752297.

17. That on 28.08.2024 they again created another email id shripauloswal@hotmail.com with password 123abc000 and shared the details over whatsapp and continued to make calls to me.

*18. That on 29.09.2024 the accused started calling me since morning and insisted for transferring of funds. Since I was not well as such I had to get admitted to Hospital for treatment. After coming to know about my medical condition they instructed to share details of some confidential person. As such I had shared the details of Mr. Vikas Kumar (Mob no. 81466-25222) son of Sh. Shiv Kumar resident of 74-74, New Lajpat Nagar, Pakhowal Road, Ludhiana - 141001 with them. This time they instructed for transfer of funds in two tranches i.e. Rs.2.00 crore and Rs.3.00 crore into another bank account bearing account no. 43134346787 of State Bank of India to which I had transferred Rs. 3.00 crore into above said bank account vide RTGS. Details of the transaction is as under:-
Sr No 1. Date of Payment 29.08.2024, Cheque No for RTGS 003543, Bank of Payer ICICI Bank Ltd, Bank Branch Jamalpur Ludhiana, Payer's Bank Account No. 001701018045, Payee's Name RVPL, Payee's Bank Account No 43134346787, Payee's Bank Name State Bank of India, IFSC Code SBIN009454, Payee's Bank Branch Santoshpur, Amount remitted 3,00,00,000, UTR No. ICICR52024082900287582.*

19. That thereafter they continuously insist for transfer of second tranche of Rs 2.00 crore. In order to exert pressure, they further

shared a document/arrest warrant for my arrest over the whatsapp. Thereafter they shared details of another bank account bearing no. 675505600394 of ICICI Bank for transfer of Funds. The document of arrest warrant also contains logo and stamp of Directorate of Enforcement. A copy of arrest warrant shared over the Whatsapp is attached as Annexure 10.

20. That first time I got suspicious on their behavior and resisted for transfer of funds. Since the payment was to be remitted by me from my bank account with ICICI Bank as such I got the details of recipient checked from ICICI Bank and came to know that the bank account pertains to Chouhan Enterprises. They again called me over whatsapp 2-3 times but I simply refused to further transfer of funds.

21. That thereafter when I went through the documents again I found that I have been made a victim of cybercrime.

22. That during calls I observed that there was another person-- a lady was also accompanying them.

23. That so far, they have made me to transfer of Rs. 7.00 crores into the bank accounts provided by them by impersonating as CBI officials. The details of transfer of Rs. 7.00 crore is attached as Annexure 11.

*24. That the offence of forgery, making of false documents, impersonating as government officials, forgery of court records, government stamps and marks has been committed with a dishonest intention to cause wrongful loss to the me. It is, therefore, respectfully prayed that the necessary case be registered under provisions of Bharatiya Nyaya Sanhita and matter be investigated and culprits be put behind bar as per law. Thanking you Truly yours
Sd/-Shri Paul Oswal 8146614444."*

3. Contends that petitioner has been falsely implicated in the present case; he is fully co-operating with the Investigating Agency since 02.09.2024; thus, his custodial interrogation would not serve any purpose.

3.1 Also contends that although, there are 26 entries running into approximately Rs.25 crore in the account of petitioner during the month of August 2024, but he was not aware about the same; rather all these entries were without his consent and/or authorisation. Again contends that bank has already transferred the alleged amount in favour of *de-facto* complainant; therefore, no offence is made out.

4. *Per contra*, learned State counsel, opposed the prayer while

submitting that it is a big cyber-fraud and petitioner has actively participated in commission of crime along with other co-accused. Also submits that custodial interrogation of petitioner is very much necessary to know the entire chain of fraud and to collect the relevant material.

5. Heard learned counsel for the parties and perused the paper-book.

6. In response to the notice of motion issued by this Court, status report dated 20.01.2025 by way of affidavit of Mr. Jasvir Singh Gill, PPS, Assistant Commissioner of Police PBI, Economic Offence and Cyber Crime, Ludhiana has been filed and paragraph 9 of the same reads as under:-

“9. i. The petitioner has orchestrated a sophisticated cyber crime scheme involving the creation and dissemination of forged and fabricated documents purportedly issued by the Hon'ble Supreme Court of India, Enforcement Directorate (ED), and Central Bureau of Investigation (CBI). These documents, which included a forged Supreme Court order and an arrest order from the ED, were used to mislead and coerce the complainant into transferring a substantial sum of Rs 7 crores to bank accounts controlled by the petitioner and his associates. The deliberate forgery of documents bearing the seal of the apex court and impersonation of the Hon'ble Chief Justice of India (CJI) during a fake virtual hearing highlight the extreme gravity of the petitioner's actions, warranting stringent action.

ii. Investigation has revealed that the bank account No. 41670962469, into which significant funds of Rs 4 crores were transferred by the complainant, is directly linked to the petitioner and his associate Nimmi Bhattacharjee, as owners of Frozenman Warehousing and Logistics. Further, the account is associated with the email ID atanu26983@gmail.com linked to the petitioner. The financial trail clearly establishes the petitioner's active involvement in the offence.

iii. The petitioner was erroneously granted bail by the Ld. CJM, Kamrup, vide order dated 26.09.2024, subject to strict conditions, including mandatory appearance before the Investigating Officer (IO) every 10 days for the next three months. Despite this, the petitioner flagrantly violated the said order and failed to appear even once before the IO. This non-compliance demonstrates the petitioner's disregard for judicial orders and raises serious concerns about his willingness to cooperate with the investigation.

iv. Given the petitioner's sophisticated modus operandi, which involved the creation of fake identities, forged documents, and impersonation of senior government officials, there is a significant risk that the petitioner may, abscond or tamper with

evidence if 'granted the concession of pre-arrest bail.

v. The petitioner's actions have not only defrauded the complainant of 7 crores but also undermined the integrity of the judicial system by forging documents attributed to the Hon'ble Supreme Court and other statutory bodies. Granting pre-arrest bail to the petitioner would send a wrong signal, emboldening similar offenders and eroding public confidence in the justice system.

vi. The petitioner in the present petition has not provided any satisfactory explanation for the funds received in the account linked to him, despite clear evidence of the complainant's money, being transferred to these accounts. The lack of any legitimate business transactions or documentation further strengthens the prosecution's case that these accounts were used solely for the purpose of defrauding the complainant.

vii. The audacious forgery of Supreme Court orders, coupled with the impersonation of the Hon'ble Chief Justice of India during a fake hearing, represents an attack on the highest judicial institution of the country. Such acts must be met with the strictest legal scrutiny to uphold the sanctity of the judiciary and deter others from attempting similar acts.

viii. The investigation in the present case is still ongoing, and the petitioner's custodial interrogation is crucial to unearth the full extent of the conspiracy, trace additional funds, and identify other co-conspirators. Granting pre-arrest bail at this stage would obstruct the investigation and prevent the recovery of further evidence.”

Perusal of the above extract clearly reveals that petitioner along with other co-accused has defrauded the complainant to the tune of Rs.7.00 crore and also forged the order of Hon'ble Supreme Court. Apart that, fake arrest order purported to have been issued by E.D was also shown to the *de-facto* complainant and coerced him for transferring the alleged amount.

7. It is noteworthy that instances of cyber-fraud are increasing day by day and according to the Data maintained by Reserve Bank of India, an amount of Rs.3207 crore was lost due to 582000 cases of cyber-fraud between F.Y 2020 to F.Y. 2024. Also noteworthy that during F.Y. 2023 to F.Y. 2024, an amount of Rs.2054 Crore has been lost on account of cyber-frauds in our country.

8. In view of the above, *modus operandi* adopted by the petitioner as well as other co-accused regarding the alleged commission of crime is to be investigated thoroughly and for that purpose, custodial interrogation of the

petitioner would be utmost necessary.

9. Consequently, there is no option, except to dismiss the petition.

10. Ordered accordingly.

11. Needless to say that above observations be not construed as an expression of opinion on merits of the case in any manner.

Pending application(s), if any, shall also stand disposed off.

03.02.2025

Rajeev (rvs)/SN

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No