

CRM-M-60775-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60775-2024
Reserved on: 06.03.2025
Pronounced on: 12.03.2025

Sukhdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Baljinder Singh Sra, Advocate and
Mr. Luvinder Sofat, Advocate,
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Karanveer Singh, Advocate and
Mr. Piyush Khanna, Advocate,
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
67	22.04.2024	Garshankar, Distt. Hoshiarpur	419, 420 IPC, 66(C), 66(D) of IT Act (Sections 465, 467, 471 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up second time before this Court under Section 439 of CrPC/483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 17 of the bail petition and as per paragraph 8 of the status report/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	20	20.04.2024	406, 419, 420 IPC	Cyber Cell, Ambala, State Haryana

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

"2. That it is submitted that FIR No.67, dated 22.04.2024, U/s 419, 420 IPC and U/s 66(C) & 66(D) of the Information Technology Act, 2000 (Sections 465, 467, 471 IPC were added later on vide DDR No.21, dated 15.06.2024), Police Station Garhshankar, District Hoshiarpur was registered on the statement of Dr. Raghbir Singh working in Punjab State Health Department as Senior Medical officer at PHC Possi, Tehsil

Garhshankar, District Hoshiarpur. That on 19.04.2024 at about 1:39 PM, Dr. Raghbir Singh received a telephonic call from mobile No.92326-xxxx and the person calling from said mobile number claimed himself to be Custom Officer working at IGI Airport, New Delhi and stated that there is parcel under investigation and the said parcel is booked under name of Dr. Raghbir Singh and his Aadhar Card is attached with the same. He further stated that in the said parcel there are 16 passports, 56/57 ATM cards and some quantity of drugs and for this illegal act, case has been registered against him in Basant Kunj Police Station, New Delhi. Later he transferred the call to Sunil Kumar who declared him as Head Constable of Basant Kunj Police Station, New Delhi Mobile No.84699-xxxx and he stated that a criminal case has been registered against Dr. Raghbir Singh in Basant Kunj Police Station, New Delhi under the relevant provisions of Money Laundering Act & Human Trafficking Act and further the matter is pending before CBI for investigation and the same is under the investigation of Anil Yadav, Chief Investigator of CBI (Name & designation as disclosed by him), Mobile No.79970-xxxxx. All of them made What's App calls and threaten Dr. Raghbir Singh that the matter is pending before them and arrest warrants of complainant have been issued by the court and the Dr. Raghbir Singh/complainant will be got arrested soon in non-bailable offences. Then, they convince Dr. Raghbir Singh to disclose the last four digits of his entire bank accounts and then, Dr. Raghbir Singh was in utter shock & surprise within some time disclosed the last four digits of his all accounts. Later on they further stated that the entire property will be seized by CBI department and he will be arrested soon, but, if the Dr. Raghbir Singh transfers his all moveable assets lying in his bank accounts in that case his arrest could be delayed for some time and the money lying in the accounts will be refunded back alongwith interest after the closure of investigation. Thereafter, they provided Dr. Raghbir Singh Accounts No.264700xxxxx of Punjab National Bank, Branch Japla (IFSC Code PUNB0264700) and 000004268xxxxx of State Bank of India, Branch Fatehabad (IFSC Code SBIN001156) and claimed that the said accounts are associated with Reserve Bank of India and payment can be made in these accounts. Dr. Raghbir Singh was not feeling well and he was out of his mind for believing the version of the accused made the transaction of Rs.49,00,000/-, the details of which is hereunder:- 1) Payment of Rs.35,00,000/- debited from the account No.501003xxxxx of HDFC Bank Ltd, VPO Moranwali, Tehsil Garhshankar, District Hoshiarpur, Punjab-144527, through RTGS vide cheque No.000033, dated 20.04.2024, hearing UTR No.HDPCR52024042099933647, in favour of account

No.2647005xxxxxx of Punjab National Bank, Branch Japla (IFSC Code PUNB0264700), Payment of Rs.2,00,000/- debited from the account No.65120100007583 of Bank of Baroda, Branch Garhshankar, Tehsil Garhshankar, District Hoshiarpur, Punjab, through NEFT dated 20.04.2024 bearing UTR No.BARBZ24111566315, in favour of 0000002689xxxxx of State Bank of India Branch Fatehabad (IFSC Code SBIN0001156), 3) Payment of Rs.12,00,000/-debited from the account No.5010032xxxxx of HDFC Bank Ltd., VPO Moranwali, Tehsil Garhshankar, District Hoshiarpur, Punjab-144527, through RTGS vide cheque No.000034, dated 20.04.2024 bearing UTR No.HDFCR52024042050090921, in favour of account No.26470055xxxx of Punjab National Bank, Branch Japla (IFSC Code No.PUNB0264700), Dr. Raghbir Singh made the abovesaid payments keeping in view that the same are made in the accounts of RBI, New Delhi, but, later in the evening on the same day, when Dr. Raghbir Singh discussed with matter with family, then, came to know that the above mentioned scammers hatched a criminal conspiracy against Dr. Raghbir Singh/ complainant and they have deceived Dr. Raghbir Singh. The scammers fraudulently & dishonestly induced Dr. Raghbir Singh to transfer the abovesaid amount in the said accounts intentionally and have caused financial and more damaged to Dr. Raghbir Singh.”

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 status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“A. THE EVIDENCE BASED ON WHICH THE PETITIONER WAS ARRAIGNED AS AN ACCUSED.

4. That it is submitted that the petitioner was nominated as an accused in the present case on the basis of disclosure statement of co-accused Mohit Muwal, that the accounts to which the amount received from the complainant in the account of M/s Satish Traders was further transferred were made available by the petitioner through Mohit Muwal, who was learning trading with him. Mohit Muwal had supplied 03-04 bank accounts of Dhruv Mahajan, Sahil and Mahip Pathania to the petitioner through which, the payment received from the complainant was transferred. These accounts holders were given Rs.5000/- each out of total

amount of Rs.20/22 Lakh.

B. EVIDENCE AGAINST THE PETITIONER

5. That Dhruv Mahajan to whom an amount of 'Five Lakh was transferred from said account of M/s Satish Traders was nominated as accused. He was arrested on 24.04.2024. He made disclosure statement that said amount of 'Five Lakh was transferred to his bank account at the asking of Mohit Muwal. He had withdrawn the said amount on the same day and handed over the same to Mohit Muwal and kept 5,000/- only with him. Then Mohit Muwal was arrested on 24.04.2024. He also made disclosure statement that the amount of 'Five Lakh was transferred to the account of Dhruv Mahajan at the asking of the petitioner - Sukhdeep Singh and later, this amount was to be paid to the petitioner- Sukhdeep Singh, who was coming to his house to receive the payment and he was to be paid Rs.5,000/- for this act. Thereupon, the petitioner- Sukhdeep Singh was also arrested on 24.04.2024. From possession of the petitioner a Fortuner Car was recovered, which was taken in police possession. The petitioner made disclosure statement that he is working on Binance App jointly with firm M/s Satish Traders for the last 07-08 months. The amount in question, which had been received by M/s Satish Traders was to be transferred to different accounts and in this regard, he asked Mohit Muwal who had been learning trading with him to supply 03-04 bank accounts. Accordingly, Mohit Muwal gave 03-04 accounts and the amount was transferred to the same including Dhruv Mahajan, Sahil and Mahip Pathania. That he had asked Mohit Muwal that they can keep Rs.5,000/- each and remaining amount be given to him. Accordingly, Rs.20/22 Lakh was transferred to different accounts provided by Mohit Muwal. Thereafter, the petitioner came to Pathankot to meet Mohit Muwal to get the payment. Further, accused Mahinder Singh was also arrested on 25.04.2024 to whose account an amount of 02 Lakh was transferred and he made disclosure statement that this amount was got transferred by him at the asking of Varinder Singh alias Sonu and he was given commission.

C. ROLE OF THE PETITIONER:-

6. That an amount of Rs.49 Lakh was got transferred by some unknown persons to bank accounts of Punjab National Bank, Japla and State Bank of India, Fatehabad fraudulently by threatening the complainant that a criminal case has been registered against him and he is likely to be arrested. The amount was got transferred by some Cyber criminals. One of the account was found to be that of M/s Satish Traders, out of which the amount was further transferred to different accounts immediately. One account out of the same was found connected with co-accused Mohit

Muwal was arrested and as per his disclosure statement, the petitioner-Sukhdeep Singh was nominated as accused and was arrested. The accounts to which the amount received from the complainant in the account of M/s Satish Traders was further transferred were made available by the petitioner through Mohit Muwal who was learning trading with him. Mohit Muwal had supplied 03-04 bank accounts of Dhruv Mahajan, Sahil and Makip Pathania to the petitioner through which, the payment received from the complainant was transferred. These accounts holders were given Rs.5000/- each out of total amount of Rs. 20/22 Lakh. Thus, the petitioner was one of the master mind in cheating the amount of Rs.49 Lakh from the complainant, which was got transferred to abovesaid two bank accounts and was then further transferred to different bank accounts, which were made available by him. Allegations against the bail applicant/accused are grave and serious in nature. The case is still pending under investigation. The account holder relating to abovesaid two bank accounts to which the cheated amount was got transferred are yet to be arrested. Therefore the present petition is liable to be dismissed.”

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 paragraph 13 of the bail petition, the petitioner has been in custody since 27.04.2024. As per the custody certificate dated 04.03.2025, the petitioner's total custody in this FIR is ten months and three 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. The concerned Judicial Magistrate/ Trial Court is authorized to delete, modify, or relax any of the conditions mentioned above and is competent to do so following the law.

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

12.03.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.