

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56637-2022

Reserved on 04.01.2023

Pronounced on 05.01.2023

Sunil Kumar Chauhan ...Petitioner

Versus

State of UT ...Respondent

CRM-M-56861-2022

Madhukar Dubey ...Petitioner

Versus

State of UT ...Respondent

CRM-M-59323-2022

Akarm Mohmmad ...Petitioner

Versus

State of UT ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kunal Dawar, Advocate
for the petitioner in CRM-M-56637-2022

Ms. Jyotsna Bhuchar, Advocate
for the petitioner in CRM-M-56861-2022

Mr. Siddharth, Advocate
for the petitioner in CRM-M-59323-2022

Mr. Deepender Brar, APP, UT Chandigarh

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
33	03.09.2022	Cyber Crime Chandigarh	384, 420, 468, 471, 509, 120-B IPC (Sections 66-D, 67 of Information technology Act, 2000 and Section 14 of The Foreigners act, 1946 added later on)

The petitioners, incarcerated upon their arrest in the FIR captioned above, have come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC)

seeking bail.

2. This order shall dispose of 03 aforesaid petitions as the issue involved therein is identical. For brevity, facts are taken from **CRM-M-56637-2022**.

3. The complainant informed the police that he had received an SMS on his mobile number which contained a URL link and asked for Hugo loan application installation. When he clicked the link, the application sought permission to get access to all his contacts, gallery in the phone and he allowed the said access. Subsequently, he checked his eligibility for loan on Hugo loan app and filled all his details. The application showed that he was eligible for a loan of Rs.3500/-. However, the complainant did not apply for loan. Later on he received threatening call and SMS on whatsapp through mobile number +37125218379, +6283146262636, +919910429137 and started sending nude pictures to him. He also said that the pictures have been sent to his family members and started black-mailing him for money. Later on he received call from mobile number +917015153485 and asked him to transfer the money otherwise they will circulate the nude pictures to his contacts. Feeling threatened, he transferred Rs.2045/- on 24.08.2022 and Rs. 3500/- on 30.08.2022 but the accused continued to threaten and viral the pictures on social media and demanding more money.

4. Based on this allegation, the police conducted detailed enquiry and arrested the present petitioners. It would be appropriate to refer to status report. The relevant parts read as under:-

“ During the course of investigation, CAF and CDR of alleged mobile number 7015153485 obtained, from the scrutiny of CDR, on 05.09.2022 the accused namely (1) Gyandeep 5/044 Sukhbir, Vill Bokha, PS Khal, Distt. Rewari, Haryana, age 20 years, (2) Ashish Kumar Tanwar S/o Pappu Singh, Village Buchawas, Distt. Mohindergarh, Haryana, Age 21 years (3) Hemant Kumar S/o Dalip Kumar, # D-95 Ambedkar Colony, Bijwasan, New Delhi, Age 20 years, (4) Saurav Jha S/o Mahesh Jha, # 642, Bijwasan, PS Kapashera, South West Delhi, Age 22 Years, (5) Manvender Raghav S/o Sushil Kumar, #43 Jindal Colony, Samalkha Extn, PS Kapashera, South West Delhi, Age 23 years, (6) Deepak Chand S/o Parkash Chand, # 134, St No. 6, Near BSES Office, Village Kapashera, South West Delhi, age 23 years were arrested, Further, on the discloser statement of accused Hemant, two more accused, Sidarth @ Manish Rai and Sandeep S/o Arshi Parsad Yadav, # 56/B Ambedkar Coloney, Bijwasan South West, PS - Kapashera Delhi, Age 23 Years were arrested on 07.09.2022. During interogation, they disclosed that some other persons namely Lekhraj, Arjun Sain, Sonu Bhadana, @ Jitu Bhadana @ Parwej Alam are their boss and (Peter, Tray, Nicholas) are their top bosses, who use to transfer the amount through different UPI's in victirns accounts as loan amount and after that blackmail them for money as they hack their data (Contacts, Gallery) and use to take money from victims through UPI and transfer the same in different accounts which are not on their names and Arjun Sain, Lekhraj, Parwej Alam are known about these accounts. Further on date 11.09.2022 accused Lekhraj and Arjun Sain were arrested. On date

10.09.2022 accused Parwej Alam @ Sonu Bhadana @Jitu Bhadana S/o Jan Mohamad R/o Hasib Fatkal Toll, PS Ratu, Distt Ranchi, Jharkhand, age 33 years was arrested from Ranchi, Jharkhand. On the discloser statement of accused Parwej Alam @ Sonu Bhadana @Jitu Bhadana one more accused namely Anshul Kumar S/o Ram Naresh Kushwaha R/o New By Pass, Near Flyover, Tulsia Ada, Etawah, UP, C/o Rajiv Chauhan Village -Barola, Sector 49, Noida, UP, Age 25 Years was arrested from near ATS Paradise, Greater Noida, U.P. who disclosed that he used to take payment from Wan Chengua, Jeffery Jhu, Nicolas @ Tray, Thanguva and delivered the same to Parwej Alam and Jeffery Jhu, Nicolas @ Tray, Thanguva are operating loan apps from China and Parwej Alam operate in India and he delivers the payment after confirmation from both sides. He further disclosed that he has collected the payment Rs.1131000/- from Wan Chengua, who is residing in ATS Tower, Noida, U.P. Further on 11.09.2022 on the disclosure and identification of accused Anshul Kumar raid was conducted at Flat No. 9061, Tower No.9, ATS Paradise, Greater Noida, U.P. and a person was present there whom Anshul Kumar identified that he is Chinese person, whom he has to collect the Rs.1131000/- and deliver to Parwej Alam, after that Chinese person named Wan Chengua was arrested and an amount Rs.1131000/- was recovered from him. On 30.8.2022 Rs.3500/- was transferred in Punjab: National Bank A/c No.1497002100027072 of Jodhpur, Rajasthan by complainant through UPI, and record from PNB obtained and it has been found that cheated money and other amount came in said account through UPI transactions and further transferred to Yes Bank A/c No.020883300000343 of Sector 62, Noida. The record from the Yes bank also obtained and account was found in the name of M/s Malista Freight Forwarding Ituhum Tower, 11" floor, Sector 62, Noida, U.P. and from the scrutiny of bank statement it was found that amount from this account further transfer in multiple accounts through RTGS, IMPS, UPI. The amount was transferred from main PNB A/c No.1497002100027072 to Yes Bank A/c No.020883300000343 of Malista Freight Forwarding and from Malista account the amount was transferred to Shri Balaji Enterprises Yes Bank A/c No.023963300001636. Further from Shribalaji enterprises amount was transferred to Satyam Enterprises A/c No.10093978191 IDFC Bank.

3. That further, during the course of investigation on 18.9.2022 present petitioner/accused Sunil Kumar Chauhan was arrested. The petitioner/accused used to manage the account of Satyam Enterprises A/c No.10093978191 IDFC Bank, in which cheated amount was transferred in bulk transactions in the month of August 2022. A mobile having number 8377859521 has been recovered from the possession of the accused/petitioner.

4. That, on submitting the electronic gadgets data and details of alleged Bank account used for cheating, with 14C (Integrated Cyber Crime Coordination Centre) portal, maintained by the ministry of Home affairs, It came to notice that said data got linkage with more than 1575 complainants and 89 FIR of cheating across the country. On the basis of these linkages, two of the arrested Arjun Sein and Parwej alam had been taken away by the Tamilnadu police on the production warrant.

5. That, Due to the involvement of huge amount in cheating and has been in circulation in the bank accounts of shell/fake companies and firms, Chandigarh police has written to the ED to take up the matter at their end on aspects of money laundering.

6. *That, It is a part of the wider nexus of money laundering and hawala transfers of 100s of crores of rupees to China by way of series of transactions through mule accounts of shell companies."*

5. The accused persons in these cases are running a racket on mobile app Hugo loan application. The *modus operandi* is to entice the needy persons for easy loan and to check their eligibility for such loan. While downloading the application, the app seeks access to the contacts and gallery which the people grant enabling them to download the app. After that the app would show them eligible for meager amount of loan. The amount in the present case is INR 3500. After realizing the eligibility which is like peanuts, the persons do not continue with the application. However, in the meantime, the application downloads all the contacts and the photographs of the phone gallery. The gang members scroll through the photographs and try to find intimate photographs. In the phones where they find such photographs, they started black-mailing the persons by threatening them and to share the same to all their contacts from whose phone details have already downloaded.

6. Thus, initially the black-mailers demand as paying capacity of the people. Mostly the people do not report under the fear of being exposed in front of their family members and relatives.

7. The allegations against the accused persons are that of active participation in the gang activities by alluring the complainant to download the app by sending on his mobile phone and they subsequently enticing him to pay money.

8. The accused take advantage of big loop-holes in identification and procuring Aadhar Cards and sim cards. Surprisingly, the petitioners were able to obtain the sim cards on other persons' names or also open bank accounts with such documents. Given the grievous of the offence, the petitioners are not entitled to bail at this stage. However, it shall be permissible for the petitioners to file fresh petition for bail on the ground of delay in trial or prolonged custody in accordance with law.

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

10. Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

05.01.2023
sonia arora

Whether speaking/reasoned: Yes
Whether reportable: No