

IN THE COURT OF MS. JYOTI MAHESHWARI
ADDITIONAL CHIEF JUDICIAL MAGISTRATE-05,
ROUSE AVENUE COURT COMPLEX, NEW DELHI

CBI 3/2023 CBI Vs. BIKRAM PAL AND ANR.

10.12.2025

ORDER ON CHARGE

1. Vide this Order, this Court shall decide whether the accused persons, namely, Bikram Pal (A-1) and Harvinder Singh (A-2), are liable to be charged for the offences, as alleged by CBI.

2. The complaint in the present case, which led to the RC in question, was received from Sh. Anil Kumar Sharma, Assistant Director, PMO, New Delhi. The factual matrix in brief is that, the accused Bikram Pal (A-1), Constable, CRPF, Force ID: 095160567, impersonated himself as Rohit Yadav, Joint Secretary, PMO Office, New Delhi and requested Sh. Manoj Kumar Meena, IPS, the-then SP, Chandigarh Police, to transfer Ct. Harvinder Singh (A-2) from PS Industrial Area Phase-I to Traffic. The accused Bikram Pal (A-1) sent one text message on 04.03.2022, through his mobile number 7009808342 to mobile number 9779580905 i.e. the mobile number of Sh. Manoj Kumar Meena, IPS, (the-then SP, Chandigarh Police). Immediately after, the accused called up the said Sh. Manoj Kumar Meena, from his mobile number at 2:24 pm for a total duration of 206 seconds. Further, after the telephonic conversation, on 04.03.2022, he sent a Whatsapp message to Sh. Manoj Kumar Meena at 2:39 pm

stating “*Constable Harvinder Singh Balt no. 5137/cp Ps Ind Area to Traffic*”, upon which Sh. Manoj Kumar Meena replied as “*Noted Sir*”.

3. During the course of investigation, it was revealed that during the voice call made by accused Bikram Pal (A-1) to Sh. Manoj Kumar Meena, the accused told Sh. Meena that he himself is Rohit Yadav, Joint Secretary, PMO and that the constable Harvinder Singh (A-2) is a relative of an office functionary in PMO. Further, on 09.03.2022, accused Bikram Pal (A-1) forwarded one transfer application on Whatsapp to Sh. Manoj Kumar Meena at 10:25 pm. The said application was of accused Harvinder Singh (A-2), Constable Chandigarh Police, Belt No. 5173/CP, PS: I.A. Chd., requesting S.P. Headquarters, P.H.Q. Sector-9, UP, Chandigarh for transfer from Police Station to traffic line. Additionally, the accused Bikram Pal (A-1) again sent two messages on Whatsapp to Sh. Manoj Kumar Meena on 20.03.2022, stating “*Cal me pls*” followed by “*Rohit Yadav pmo*”.

4. It was revealed during the course of investigation, that the mobile number 7009808342 was registered in the name of accused Bikram Pal (A-1). Further, the accused Harvinder Singh (A-2) was in possession of mobile number 8901145633 and the accused Bikram pal (A-1) had another mobile number i.e. 6284125712 and both the accused were found to be frequent callers, during the period of commission of offence i.e. 01.03.2022 to 21.03.2022. During investigation, it also transpired that when Sh. Manoj Kumar Meena, IPS, enquired from the accused Harvinder Singh (A-2) about his

acquaintance in PMO, the accused informed that his relative works in PMO, on a clerical post. Moreover, there have been regular bank transactions between both the accused. On the basis of the above, it was concluded by the investigating agency, that both the accused hatched a criminal conspiracy with each other and in pursuance of the same, the accused Bikram Pal (A-1) impersonated himself as Rohit Yadav, Joint Secretary, PMO. On the basis of the said impersonation, the accused attempted to dishonestly and unlawfully induce Sh. Manoj Kumar Meena, IPS to transfer the co-accused Harvinder Singh (A-2) and thus, it is submitted by the IO that both the accused are liable to be charged for commission of offences u/S 120B r/w Section 170, IPC and Section 419 r/w Section 511 IPC and the substantive offences, thereof.

5. *Per contra*, it is submitted on behalf of both the accused that the offences, as alleged, are not committed in the present case, by any of the accused. Ld. Counsel for the accused has argued that at the most, the offence u/s 170 IPC is attracted against accused Bikram Pal (A-1) for impersonating as a public servant. It is further argued that the ingredients of Section 120B IPC and Section 419 r/w 511 IPC are not made out, as there is no *iota* of evidence on record, to show that there was ever any conspiracy or an attempt to cheat.

6. As regards, the invocation of Section 419 r/w 511 IPC, it is submitted that once the alleged act is squarely covered within the ambit of Section 170 IPC, the offence u/S 419 r/w Section 511 IPC, being a

more generic offence, is not made out. Ld. Counsel for the accused has placed reliance on the decisions of the Hon'ble High Court of Madhya Pradesh in the case of ***Sarwan Singh Gajjan Singh Jat Vs. State, 1958 AIR (MP) 230*** and of the Hon'ble Rajasthan High Court in the case of ***Habburam Vs. State of Rajasthan, 2019 CriCC 521(Raj HC)***, in this regard. It was held in the ***Sarwan Singh Gajjan Singh*** (supra) as follows:

"I, however, find that the accused has been convicted under Section 170 for personating a Public Servant and he has also been convicted under Section 419 IPC for cheating by personation. It seems that 'both the offences overlap each other Cheating by personation (section 419 IPC) is an offence of a general character under which a person may pretend to be any one other than what he really is. But cheating by pretending to be a public servant (Section 170 IPC) is a specific offence where one pretends to be a public servant. It has all ingredients of cheating by personation, under Section 419 of the Indian Penal Code. But when the personation is that of a public servant and the pretender does same act, then the offence becomes one under Section 170 IPC. In this view of the matter and having regard to the facts of this case. I think the accused should have been punished under Section 170 IPC' only".

7. As regards the offence of criminal conspiracy u/S 120B IPC, the prosecution has relied on the fact that A-1 and A-2 have been frequent callers from 01.03.2022 to 21.03.2022 and there were also bank transactions between A-1 and A-2. It is contended by Ld. Counsel for the accused that the call detail records of A-1 and A-2, during the said period is irrelevant, as they were frequent callers, not just during the said period, but also even before and after the aforementioned period

and the same is evident from a perusal of document **D-51** (CDR of mobile number 6284125712 belonging to A-1). Further, no transcript or contents of the conversation between A-1 and A-2 have been placed on the record by the investigating agency and in the absence of the same, the CDR data alone cannot be used in isolation, without any corroboration. Ld. Counsel for the accused has placed reliance on the decisions of the Hon'ble Delhi High Court in *Ashok Kumar Singh Vs. State NCT of Delhi (CRL. REV.P. 745/2023 & CRL.M.A. 18447/2023, dt. 30.05.2024)* and *Prakash Industries Ltd. & Anr. Vs. Directorate of Enforcement & Anr. in CRL. M.C.2526/2019*, in this context. Additionally, Ld. Counsel for the accused has submitted that charges must be framed, only if there is a grave/ strong suspicion and not merely on 'some or slight suspicion' and argued that the present case is a fit case for discharge of both the accused.

8. This Court has heard the rival contentions and has perused the record as well as the judicial decisions, furnished in support of the submissions made by the parties. The law regarding consideration, on the aspect of charge, is well settled. It is trite law that at the stage of framing of charge, the Court has to look at the material supplied by the prosecution to form a *prima facie* opinion, as to whether the offences as alleged, could possibly have been committed. If on the basis of material on record, the Court can come to the conclusion that commission of the offence is a probable consequence, the case of framing of charge exists. To put it differently, if the Court were to think that the accused might

have committed the offence, it can frame a charge, though for conviction, the conclusion is required to be that the accused has committed the offence. At the stage of framing of charge, probative value of the material on record cannot be gone into; the material brought on record by the prosecution has to be accepted as true, at that stage. The truth, veracity and effect of the evidence which the prosecutor proposes to adduce are not to be meticulously judged, nor any weight is to be attached to the probable defence of the accused. At the same time, the Court cannot act as a mere post office and has to apply its judicial mind, to reach the conclusion. Reliance is placed on the observations of the Hon'ble Supreme Court in *Dipak Bhai Jagdishchandra Patel Vs. State of Gujarat, 2019 SCC Online SC 588*, as well as of the Hon'ble Delhi High Court in *Settu Vs. State of Delhi, Crl. Rev. P. 13/2022; dt. 10.03.2022* and the authorities cited therein.

9. In light of the above position of law, this Court shall now deal with the offences as alleged, one by one, and analyse, whether the accused deserves to be charged, for the offences, as alleged.

10. **Section 170 IPC:** Section 170 IPC reads as follows:

“170. Personating a public servant.— Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

11. The ingredients of an offence u/S 170, IPC are that: (a) the accused falsely pretended to be or personated to be a public servant knowingly and (b) when assuming such character, he did or attempted to do something, under the colour of such office.

12. From the investigation in question, it is not disputed that the accused Bikram Pal (A-1) impersonated himself as Rohit Yadav, Joint Secretary, PMO and while assuming such character, he requested/directed Sh. Manoj Kumar Meena to transfer the co-accused Harvinder Singh (A-2) from PS: Industrial Area, Phase-1, Chandigarh to Traffic Line. The same is also corroborated by the screenshots of Whatsapp messages exchanged between the two, as well as the CDRs of A-1 Bikram Pal. The moment the false impersonation was done and a call was made to a Government Official, under such color of office as falsely projected by the accused, the offence u/S 170 IPC, stands attracted.

13. It is argued by Ld. Counsel for accused that Section 170, IPC being more specific in nature, excludes the applicability of Section 419 IPC, which is a more generic provision and thus, the offence u/S 419 r/w Section 511 IPC is not attracted in the present case. It is pertinent to note that the decisions relied upon by Ld. Counsel for the accused in ***Sarwan Singh Gajjan Singh*** (supra) and **Habburam case** (supra) are not applicable at this stage, as both the decisions dealt with the aspect of conviction u/S 170 IPC and 419 IPC. The judgments cited above, dealt

with the question of conviction of the accused u/S 170 IPC, while at this stage, this Court is dealing with the aspect of charge and the requirement of satisfaction of the Magistrate at both the stages, are squarely different, as already dealt with, above. Furthermore, Section 218 CrPC, states that at the stage of charge; for every distinct offence for which a person is an accused, there shall be a separate charge and every such charge shall be tried separately. Section 170 IPC is limited to doing any act by impersonating as a public servant but Section 419 IPC deals with the offence of cheating by personation. Since, both Section 170 IPC and 419 IPC constitute distinct offences, the charges under both the specific as well as general provisions, can be framed together, if the same act or transaction, gives rise to both the offences. The Court shall now deal with the applicability of Section 419, IPC to the present case.

Section 419, IPC:

*“419. Punishment for cheating by personation.—
Whoever cheats by personation shall be
punished with imprisonment of either de-
scription for a term which may extend to three
years, or with fine, or with both.”*

14. The above provision provides for punishment for cheating by personation and the ingredients are: (a) a person ‘cheats’, (b) by pretending to be some other person or by representing, that he or any other person, is a person other than, what he or such other person, really is.

15. The offence u/S 419, IPC is completed, when the offence of cheating is completed, using the identity of some other person. In the

present case, the offence of cheating would have been completed, had the accused been able to secure the transfer of the co-accused Harvinder Singh (A-2), for which he had requested. However, the alleged impersonation by the accused Bikram Pal (A-1) was caught and reported to the appropriate authorities and hence, the offence of cheating could not be completed in the present case. However, it is settled law that the attempt to commit an offence, is also an offence and is punishable under law.

16. The accused Bikram Pal (A-1) by purporting himself to be a high-ranking official from PMO, attempted to get the co-accused Harvinder Singh (A-2) transferred to Traffic Line, but was not successful in doing so. Thus, the accused attempted to commit the offence under Section 419 IPC. Accordingly, since the offence is an *inchoate* or an incomplete offence, the accused is liable to be charged for the attempt to commit such offence. **Thus, the offence u/s 419 IPC r/w Section 511 IPC, is attracted in the present case, *qua* A-1 Bikram Pal.**

17. As far as, the offence of criminal conspiracy u/S 120B, IPC is concerned, it is submitted that the evidence relied upon by the prosecution is as follows:

- i) A-1 and A-2 being “Frequent Callers” during the period of commission of offence i.e. 01.03.2022 to 21.03.2022.
- ii) A-2 having a relative working on a clerical post in PMO.
- iii) Bank transactions between A-1 and A-2.

18. As regards points i) and iii) mentioned above, it is submitted by Ld. Counsel for the accused that the fact that both the accused were frequent callers during the alleged period of commission of offence and there were bank transactions between the accused, is not relevant. It is argued that A-1 and A-2 were friends since a long time, and numerous calls were exchanged between them, even before and after, the said period and the same is evident from a perusal of **D-51**. Even as regards the bank transactions, Ld. Counsel for accused has submitted that there were no bank transactions between the two accused during the commission of offence.

19. It is to be noted that *notwithstanding* the fact that both the accused were friends and had numerous exchanges before and after the period of commission of offence, does give rise to a credible doubt, regarding the involvement of A-2 Harvinder Singh in the commission of the above offence. It cannot be lost sight of, that calls were made by accused Bikram Pal (A-1), seeking the transfer of accused Harvinder Singh (A-2) and thus, A-2 was the purported beneficiary of the alleged conversations between accused Bikram Pal (A-1) impersonating himself to be a high ranking PMO official and Sh. Manoj Kumar Meena. At this stage, the Court cannot venture into a detailed analysis of the calls or bank transactions between the two accused and has to merely satisfy itself, as to whether the complicity of the accused Harvinder Singh (A-2), is made out from the material available on record.

20. It is also pertinent to note that when Sh. Manoj Kumar Meena had enquired from accused Harvinder Singh (A-2) about any of his acquaintances working in PMO, he stated that his relative is an office functionary in PMO. Interestingly, A-1 Bikram Pal, during his voice call to Sh. Manoj Kumar Meena had stated the same thing to Sh. Manoj Kumar Meena, regarding the relative of Constable Harvinder Singh (A-2) working in PMO, and the same is evident from a perusal of the charge-sheet. Thus, the active involvement of accused Harvinder Singh (A-2), in acting in connivance with Bikram Pal (A-1), has clearly surfaced in the present case.

21. Ld. Counsel for the accused has argued that mere CDR data alone, cannot be the basis for framing of charge u/S 120B against an accused, when the same is not accompanied with the transcripts/ contents of the conversation. However, it must be noted that even if the CDRs are excluded from consideration, there is enough material which points to the complicity of Harvinder Singh (A-2), in commission of the alleged offences. At this stage, there is grave suspicion against both the accused, which warrants the framing of charge for the offences as discussed above.

22. However, as far as accused Harvinder Singh (A-2) is concerned, no overt act can be attributed to him and only his involvement with the co-accused Bikram Pal (A-1) has come to fore and therefore, only the charge for criminal conspiracy is made out against Harvinder Singh (A-2).

23. Therefore, in light of the above discussion, charges be framed against accused persons as follows:

Name of the accused	Offences charged with
Bikram Pal (A-1)	u/S 120B r/w Section 170 IPC/ 419 r/w Section 511 IPC and the substantive offences u/s 170 IPC, Section 419 IPC r/w Section 511 IPC.
Harvinder Singh (A-2)	u/S 120B r/w Section 170 IPC/ 419 r/w Section 511 IPC.

24. Nothing in this Order, shall tantamount to any opinion or observation, on the merits of the case.

25. This Court also underscores its appreciation for the excellent assistance rendered, by Ld. Counsel for the accused as well as Ld. PP for CBI.

(Jyoti Maheshwari)
Addl. Chief Judicial Magistrate-05
Rouse Avenue Courts Complex
New Delhi/10.12.2025