



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

218

CRM-M-54060-2024

Date of decision: 25th February, 2025

Kamalesh @ Kamlesh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Naveen Sharma, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The instant one is the fifth petition for grant of regular bail as filed by the petitioner in case bearing FIR No. 16 dated 12.02.2024 registered under Sections 419, 420 and 120-B of IPC and Sections 66-C and 66-D of Information Technology Act (Sections 465, 467, 468 and 471 of IPC added later on) at Police Station Model Town, Ludhiana. The previous petitions bearing CRM-M-38979-2024, CRM-M-31882-2024, CRM-M-23935-2024 and CRM-M-48730-2024 had been dismissed as withdrawn.

2. As per the prosecution case, the complainant Sanjeev Jain, who is owner of a hosiery factory at Ludhiana and hails from Jain community, had received a call on his mobile phone number on 07.02.2024, the caller introduced himself as Parkash Rasik Lal Dhariwal, who is head of a committee of their community. The said Parkash Rasik Lal Dhariwal was



known to the complainant as he used to donate huge sums of money for development of Jain Community and Jain temples. The caller told the complainant that he had collected some money from Ludhiana for the purpose of donation and asked the complainant to help him for delivering that money to Delhi or Mumbai, wherein he had been residing. The complainant expressed his inability to do so but on insistence of the caller that his act would be for the purpose of their religion and for construction of temples and other religious activities, which would stop otherwise, the complainant agreed. The caller then told him that his nephew who was already having Rs. 2,00,000,00/- in cash with him was coming to Ludhiana and would give money to him. He prevailed upon the complainant to give cash amount of Rs. 50,00,000/- through his known persons to his man at Delhi in exchange. The complainant agreed to do so.

3. As per the further allegations, on 08.02.2024, the complainant received a call from another cell phone number and the caller, while introducing him as Vivek Jain son of Parkash Rasik Lal Dhariwal represented to the complainant that he was coming to his place at Ludhiana with cash amount of Rs. 2,00,000,00/- and also induced the complainant to give an amount of Rs. 50,00,000/- in cash at Delhi. On being so induced, the complainant through his acquaintance at Delhi, was made to part with a sum of Rs. 50,00,000/- to two persons who had come to collect the same and whose names were told as Kishore Lunkar and Parmod Mehta by the caller. However, neither the abovesaid Vivek Jain nor any other person came to give back the money of the complainant and their phones were also switched off by the callers subsequently. Having realized that he had been cheated,



the complainant reported the matter to the police.

3. After registration of FIR, investigation proceedings were initiated. During investigation, the tower locations of the cell phone numbers from which calls were received by the complainant, were obtained and they were found to be from Delhi. CCTV footage of the locations had also been taken and two youths were found taking a bag of currency notes given by the complainant in the CCTV camera. They were later on identified as accused Anas Saifi and Anas. They were arrested on 17.02.2024. Accused Anas Saifi disclosed that he had been called by co-accused Amir and Mohit and had collected bag of containing currency notes from a person. Accused Anas Saifi also got recovered an amount of Rs. 50,000/- from the cheated amount. Accused Amir was nominated as an accused. He was arrested on 18.02.2024 and suffered disclosure statement that he had collected a bag of currency notes along with the co-accused Mohan @ Mohit. Subsequently, co-accused Varinder Singh and Ashu Saini were also nominated as such.

4. On 09.02.2024, supplementary statement of the complainant was recorded on the basis of which, the petitioner- Kamlesh was nominated as such. He was arrested on 12.03.2024 on interrogation, the petitioner suffered a disclosure statement to the effect that he along with the co-accused Ashok Kumar Purohit, Raju Rewari, Narender Singh, Vijay Singh, Lalit Raj Purohit and Suresh Purohit formed a gang to cheat people by alluring them. The money received from the complainant was given to him by the co-accused Raju Rewari through his persons and that he had kept an amount of Rs. 25,00,000/- with him and had given the remaining amount of money to the co-accused Ashok Kumar Purohit, Vijay Singh, Lalit Raj



Purohit and Suresh Purohit. The petitioner got recovered a sum of Rs. 4,00,000/- out of the duped money. He also suffered a disclosure statement admitting his involvement in the subject offences and also disclosed that the SIM cards used by them for making phone calls to the complainant were obtained on the basis of fake ID proofs. Offences under Sections 465, 467, 468, 471 of IPC had been added. The co-accused Ashok Purohit, Narinder Singh, Anas Saifi and Anas were arrested subsequently. Investigation stands concluded and challan stands presented in the Court.

5. It is argued by learned counsel for the petitioner that he is in custody since 12.03.2024 and period of his in custody has increased from the dates when his previous petitions had been filed and withdrawn. The complainant has entered into a compromise with him and a written compromise has also been executed. A petition bearing CRM-M-21767-2024 for quashing of the FIR on the basis of compromise is pending before the Co-ordinate Bench of this Court and statements of the parties have also been recorded. As such, no useful purpose would be served by detaining him in custody. Therefore, it is urged that he deserves to be released on bail.

6. Status report has been filed by respondent-State. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner, who was one of the master minds of the conspiracy hatched for the purpose of duping the complainant of huge amount of money. He has got recovered an amount of Rs. 4,00,000/- out of the defrauded money in pursuance of his disclosure statement. The petition seeking quashing on the basis of compromise, is still pending and there is no possibility of the same



being allowed due to the reason that part quashing of the FIR has been sought for. Even otherwise, the factum of petitioner's arriving at a compromise cannot be considered at this stage for deciding the bail petition. There are serious allegations against the petitioner having impact upon the society at large. The call detail record has been collected to show complicity of the petitioner in the subject crime. There are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

7. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

8. The petitioner had moved four petitions for grant of regular bail which had been withdrawn by him. The instant petition has been filed by submitting that the prolonged period of incarceration has given a ground to the petitioner to seek concession of bail and is a substantive change in the circumstances. Further according to the petitioner, a compromise had been effected between the complainant and himself thereby entitling him to seek concession of release on bail. A copy of the compromise deed Annexure P-6 has been placed on record. It is already mentioned that the petition for seeking quashing of FIR on the basis of compromise, is pending. The authenticity of this compromise is yet to be considered. The allegations against the petitioner are quite serious in nature, as they point out that the petitioner was one of the king pin of the crime. He has criminal antecedents, since, as per the custody certificate, he is shown to be involved in one more case of similar nature. The complainant is yet to be examined. Keeping in view the above discussed facts and circumstances but without meaning to



make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

25th February, 2025
Parveen Sharma

<i>1. Whether speaking/ reasoned</i>	:	<i>Yes / No</i>
<i>2. Whether reportable</i>	:	<i>Yes / No</i>