

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23687-2025 (O&M)

Date of Decision: 12.05.2025

Sanjeev Kumar

... Petitioner

VS.

State of UT Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Saurabh Bajaj, Advocate for the petitioner

Mr. Viren Sibal, APP, Chandigarh

Sandeep Moudgil, J.

(1). This is the third petition under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the
petitioner in case FIR No.92, dated 10.08.2024, under Section 406, 409, 420,
467, 468, 471, 120-B of IPC, 1860, registered at Police Station Cyber Crime,
Chandigarh, District Chandigarh.

(2). Prosecution story set up in the present case as per the version in
the FIR reads as under :-

*“Statement of Ganesh Mal S/o Lt. Sh. Shankar Lal R/o Village
Khinyala, Tehsil Jalyal, P.S. Jayal, District Nagour (Rajasthan) age 52
years, Mob. No. 6367702594. Stated that I reside at the above address
alongwith my family. And do the work of Carpenter in my village itself.
In April 2024, I saw add of one Visa Company Global Consultant SCO
No.292, 1st Floor, Sec 32- D, Chandigarh on my Facebook ID and
called on the Mob. No. 7529864834 given in this add. One girl picked
the phone and told that their company do the work of sending to
Azerbaijan and told her name as Gazal Kapoor and for getting more
information called in office Chd. I along with my son-in-law (Damed)
Vikas came to their office Sec 32D on 25.4.24, met Gazal Kapoor. At
that time in her office, three girls and two boys were working, they told*

us that they send group of 25/30 persons for working in Azerbaijan, in which Carpenter, labourer, anyone can be there and the total expenses for sending to Azerbaijan will come to Rs. 1,35,000/- per head. In which they will get done the entire process, Air Ticket etc, in the same and will also provide them work upon reaching at Azerbaijan and their Azerbaijan salary will be Rs. 1 lakh per month. She also said that half money after offer letter and rest of the money will have to be given upon getting visa. I found their offer to be good and as group was going, then I told about the same to the persons of my village and to some known persons of the adjoining villages. For the same, some from my village and some from other village got ready. Regarding the same, I talked with Ghazal Kapoor in the above Visa company. She told us to send our respective Passport through courier. In the beginning. I sent her Passport of 5 persons through post and through Whatsapp. The above company, for these five Passport, for one EVRASCON Company made Offer letter of Azerbaijan and sent the same on Whatsapp to me. After that they demanded Rs. 25,000/- from me. As per their asking, on 28.5.2024 I sent the same on their UPI ID- gaggarwal206-1@oksbi, which was in the name of Shubham, from my daughter Saraswati's A/c No. 83010221250, Rajasthan Marudhar Gramin Bank through Google pay. I showed this Offer letter to my other acquaintance and told them, then they also became ready. Apart from us 5 persons, whose Offer letter had come, other persons became ready to go to Azerbaijan and they also gave their respective Passport to me. I also sent the same to the above Global Consultant Company Chd through Whats app and Post. They also sent their offer letter to me on Whats app, after that they started saying that you all have to give Rs. 50000/- now. On 9.6.24, I sent Rs. 50000/- on their above UPI ID from the above A/C of my daughter Online. After that they again telephonically called on 9.6.24 that you Visa has come, you come and deposit your half money. On 10.6.24, I along with my five fellows Pappu Ram, Kamal, Dwarka Parsad and Driver Suresh came to their office Sec 32D Chd and gave Rs. 1109000/- to them in cash as per their asking. They made a receipt of the same and gave it to me and on 10.6.24, itself myself from my daughter Saraswati's above A/c Rs. 50000/-, 50000/- 9000, 109000/-,

from Surender's A/c 15000/-, 60000/-, 25000/-, 15000/-, 25000/- 140000/- and from Dwarka Parsad A/c 50000/- and from E-Mitra ID 49000/- 49000/- 40000/- 1999 Total Rs. 139999/-, sent the same on the above UPI ID Shubham given by them online. Which in total comes to 438999/-. After that they told that your ticket is ready for 15.6.24 and give the balance amount. For sending total 27 persons, talk took place for Rs. 35,00000/- (Thirty-five lakh). Then on 11.6.24, myself from the A/c of my daughter Saraswati, as per their asking sent 50000/- 50000/- 100000/- in UPD ID of Shubham and from A/c of Ramvilas I the A/c of above Subham 49000/- 2000/- 48000/- 99000/- and from EMitra Rs. 50000/- were sent in Kamal's UPI ID gaggarwal206-1@oksbi. On 11.6.24, total Rs. 2,49,000/- were sent to their A/c online. On 12.06.2024, from E- miter 49000/- in the A/c of Subham given bythem and 50000/-in A/c of Kamal, Total Rs. 99000/- were sent Online. After that they by taking the total amount in cash, called to their office and told us regarding giving Ticket and Visa. On 13.6.24, I along with my sonin-law (Damad) Vikas came to their office ad Chd and gave them Rs. 1300000 (Thirteen lakh) rupees in cash. They had not given any receipt of the same to us and gave us Visa, Passport and Air Ticket of everyone and started saying that we have given all your documents to you, there is no need of its Receipt because Tax is applicable on the same and the remaining 46000/- 46000/- 50000, 142000/- were deposited from the A/c of Saraswati in the A/c of their above Shubham and Rs. 40000/- were deposited in the above A/c through E-mitra. After that Rs. 40000/- were deposited in their above A/c from the A/c of Hukma Ram. In this manner, we by completing 3500000/-, gave the same to them. Our Ticket of 15.6.24 was from Delhi Airport. When we all 25 persons reached Delhi Airport then we came to know that our Ticket has been made in Duplicate. When we tried to call them, then all their numbers were off. They are having some other mobile n. 7888738567, 7529864834 and 8360819841 and 9115139787 and the Email ID given on their card is consultantglobal23@gmail.com. Myself and other 26 persons with whom cheating has been committed. Their names are 1. Girdhari Jangir, Village Keshap 2. Dwarka Parsad Village Khilaya 3. Bhowar lal Meghwal village Sagu 4. Rupa Ram

Meghwal, Village Keshap 5. Sayar Ram Nayak Village Keshap 6. Suresh Meghwal Village Keshap 7. Lodo Ram Meghwal Village sagu 8. Jeevan Ram nai Village Deh 9. Shivram Village Kathoti, 10. Gopal Chati Village Khiyala 11. Babulal Jangir Village Kiyala, 12. Jetharam Jangir Village Ran Sisar 13. Kamal Kishore Rewar Village Rojond, 14. Kishore Nayak Village Keshap, 15. Paban Kumar Village Keshap 16. Ram Singh, Village Sagu 17. Ashok Kumar Village Keshap, 18. Choturam Village SAgU, 19. Jagdish Village Khiyala, 20. Vikas Jagir Village Dehri, 21. Arjan Ram Village Igyar (Adwad), 22. Kamal Village Khiyala 23. Kanihya Lal village Adwad, 24. Rattan Lal, Village Khund, 25. Ravishankar Village Dugoli, 26. Ashok Vidyasar Village Khiyala, 27. Banwari Lal Sain Village Akhrot. They refused to send me and Gopal Rathore. The persons of above Visa Company Global consultant have committed cheating of about Rs. 3500000/- Thirtyfive lakh rupees in the name of sending us to Azerbaijan and by preparing wrong documents, have prepared fake documents. Now they have fled away somewhere by closing their office.”

(3). Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and there is delay of 2 months in lodging the FIR. He submits that the name of the petitioner was not even mentioned in the FIR and he has not received any money or is a beneficiary of the transactions. He further submits that neither the petitioner signed any document, nor any entry was made by him in any register or book etc. He has argued that co-accused namely Monika has been granted regular bail by this Court vide order dated 12.12.2024 passed in CRM-M-61538-2024. He points out that the antecedents of the petitioner are clean, meaning thereby, he is not a habitual offender.

(4). On the other hand, Mr. Viren Sibal, APP, UT Chandigarh has filed the custody certificate of the petitioner dated 12.05.2025, which is taken on record. According to which, the petitioner is behind bars for the last 08

months and 10 days. Learned APP on instructions from the Investigating Officer opposes the prayer for grant of regular bail stating that the petitioner along with other co-accused duped with total amount of Rs.35 lakhs approximately on account of work visa.

(5). Heard learned counsel for the parties.

(6). This Court is mindful that, according to the legal mandate rendered by Hon'ble Supreme Court in Criminal Appeal No. 3840 of 2023, titled "***Saumya Churasia versus Directorate of Enforcement, decided on 14.12.2023***", when considering a bail application, the Court is not obligated to meticulously examine the evidence gathered by the Investigating Agency. However, the Court must consider several factors, including the nature of the accusation, the type of evidence collected in support, the severity of the punishment for the alleged offences, the character of the accused, the unique circumstances surrounding the accused, the likelihood of securing the accused's presence during trial, the possibility of witness tampering, and the broader interests of the public or State. In the light of these factors, when assessing a bail application, the Court is required to form a prima facie opinion based on these broad guidelines, without delving into the merits of the evidence, as doing so could potentially prejudice the rights of both the accused and the prosecution.

(7). The Apex Court in case "***Gudikanti Narasimhulu vs. Public Prosecutor, High Court of A.P.***"; (1978) 1 SCC 240, has already observed that deprivation of freedom by refusal of bail is not for punitive purposes but for the bifocal interests of justice. It has further been observed that it is rational to enquire into the antecedents of the man who is applying for bail to find out

whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail.

(8). It is the case of the prosecution that the petitioner is operating as part of gang of fraudsters who committed fraud with the complainant and other persons by opening fake offices on the basis of forged documents and after collecting money from their easy targets, they close their 'unit'. Apparently, the investigation is still going on and has not yet culminated and moreso when the prosecution has alleged that the petitioner and other co-accused have hatched a conspiracy and as such, they are in the habit of committing fraud and duping innocent people of their hard earned money and also keeping in view the gravity and the nature of the such like offences which are on the rise during these days, no ground has been made out much less sufficient for this Court for grant the benefit of regular bail to the petitioner.

(9). Dismissed.

(10). Anything stated hereinabove, shall have no bearing on the merits of the case before the trial court.

12.05.2025

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No