

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

218-4

CRM-M-44003-2024

Date of decision: 25th February, 2025

Ashok Kumar Purohit @ Ashok Patarkar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bhavesh Aggarwal, Advocate for the petitioner.

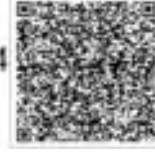
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Naveen Sharma, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail 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, District Ludhiana.

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 Jain 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 temple and other religious activities, which would stop otherwise, 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, nephew of Parkash Rasik Lal Dhariwal represented to the complainant that he was coming to his place at Ludhiana with cash amount of Rs. 2,00,00,000/- and also induced the complainant to give an amount of Rs. 50,00,000/- in cash at Delhi to some persons. 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.

4. 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 the 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 nominated.

5. On 09.02.2024, supplementary statement of complainant was recorded on the basis of which, accused Kamlesh was nominated as such. He was arrested on 12.03.2024. On interrogation, accused Kamlesh suffered a disclosure statement to the effect that he along with the present petitioner and co-accused 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 present petitioner Ashok Kumar and co-accused Vijay Singh, Lalit Raj Purohit and Suresh Purohit. The petitioner was nominated as an accused. He was arrested on 01.04.2024 and got recovered cash amount of Rs. 55,000/-, five broken SIM cards, two mobile phones, one register mentioning the



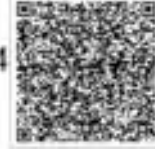
name and phone number of the complainant and one magazine. He also disclosed the names of the some other accused. Investigation has now completed.

6. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 01.04.2024. The subject offences are triable by Magistrate. He has been roped in this case only on the basis of secret information of the co-accused. The disclosure statements of co-accused cannot be considered to be admissible against him. Trial is likely to take time. The ingredients for commission of the subject offences are not attracted qua him. He has not seen in the recovered CCTV footage. He has clean antecedents. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

7. Status report has been filed by respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner, who was a part of a big conspiracy to dupe the complainant of huge amount of money. Cash amount of Rs. 55,000/-, five broken SIM cards, two mobile phones, one register mentioning the name and phone number of the complainant and one magazine was recovered from him. He is a member of gang of cheaters and had played an active role. There are chances of petitioner's absconding, if extended benefit of bail. Therefore, it is urged that he does not deserve to be released on bail.

8. This Court has heard learned counsel for the parties at considerable length and have gone through the record carefully.

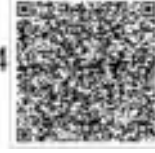
9. The petitioner is alleged to be a part of the conspiracy hatched



with the co-accused to dupe the complainant for a sum of Rs. 50,00,000/-. Recovery of cash amount of Rs. 55,000/- out of the defrauded money and other items used in the crime has been got effected from him. The petitioner is in custody since 01.04.2024. Investigation stands concluded. There is no basis for contention that the petitioner may intimidate the witnesses or abscond. Offences alleged against him are triable by Magistrate. Trial is obviously likely to take time to conclude. The petitioner does not have any criminal antecedents. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the facts as discussed above, I am of the considered opinion that the petitioner deserves to be released on bail.

10. Accordingly the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned. During trial, he shall appear before the Police Station Model Town, Ludhiana on the first Monday of every month and shall mark his presence. He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number(s) takes place, then he shall inform about the same to the learned trial Court in advance.

11. The concerned SHO shall give immediate intimation to the trial Court, if the petitioner fails to appear before him on first Monday of any month in compliance of the directions issued by this Court and on failure of



any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

12. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

25th February, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*