

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46382-2024
Reserved on: 09.01.2025
Pronounced on: 29.01.2025

Mehak Bhai Jethi ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Duhan, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Mohit Kumar, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
208	11.10.2023	Guhla, Kaithal	406, 420, 201 IPC and 24 of Immigration Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That the brief facts of the case is that a complaint numbered 1789, dated 21.09.2023, after an investigative report by the Economic Offenses Wing, Kaithal and Deputy Superintendent of Police, A.E.C., Kaithal, was received at the police station regarding action against Ashok Kumar (001-4169169674) and Sumit (001-8122030225, (A/c No.0019000 -10xxxxxx Dhan Laxmi Bank Branch Janak Puri New Delhi) and Mahek Pravin Bhai Jaithi (A/c No. 008601xxxxxx, Mob. No. 97173xxxx, ICICI Bank Branch Bhuj Gujarat). The brief contents of the complaint is as under:-

"Sir, my name is Kamaljeet Singh Pelia, son of Amrik Singh, a permanent resident of Village Sultanpur Kartarpur, Tehsil Guhla, District Kaithal. I had interactions with the accused Ashok Kumar through social media on the above WhatsApp number. Whenever Ashok Kumar communicated, he did so from this number, and he has a visa for Canada. He stated that he was currently in Canada and was arranging work visas in collaboration with companies there. He discussed arranging a work visa for me as well and said that I would need to pay 30 lakh rupees for this, with 20 lakh rupees to be paid upfront since he would arrange the work permit through a company and I would need to pay taxes to the company. He asked me to come to Chandigarh and then started demanding money saying I should transfer 25,000 rupees as Embassy fees so he could secure an Embassy date for me. He sent me the account number, and I deposited the money on February 17, 2023, into account number 001900010xxxxx at Dhan Laxmi Bank Branch Janakpuri New Delhi. He then said that my PPR letter had arrived and asked me to deposit another 50,000 rupees into the same account so that he could send it to the company, which I did on February 27, 2023. A few days later, he said that he needed to pay the company owner so that my name could be included as a worker in the company, and asked me to bring 11 lakh rupees to the Amadiya Association in Delhi, showing a 20 rupee note he had sent on WhatsApp as a sign to identify the contact person. I went to the Amadiya Association in Delhi on March 2, 2023, showed them the note number, and they took 11 lakh rupees from me. He told me he needed to submit my PPR letter and secure an Embassy date, for which I would need to advance 10/15 lakh rupees. He said he was in Canada and would send me the account number to transfer the 10/15 lakh rupees. When I expressed hesitation about transferring money without proper identification, he showed me several work permits he had arranged under social media and showed his Canadian green card. He then sent me papers in my name from the company, and when I checked the company online, it seemed legitimate, which convinced me. I then transferred 6 lakh rupees on March 1, 2023, to Mahek Pravin Bhai Jaithi's account number 008601xxxx, and they gave me a VFS Chandigarh date. Two days later, Ashok called to say that my date had been canceled, which meant I had to send my passport to Delhi where our man would submit it, and he sent me the address in Delhi. I sent my passport to the address he provided, and on March 13, 2023, he sent me the work visa and said that my work visa had been processed and asked me to send the

remaining amount, so I deposited 826,000 rupees into the account on March 14, 2023. He then said that since I had deposited cash in the account, a tax of 198,000 rupees had to be paid, which I would need to cover, and I deposited 198,000 rupees into the same account on March 15, 2023. After paying all the money, I asked him to send me my passport with the visa, and he said that my passport would arrive at the post office, and I waited a few days, but the passport did not arrive, and then he said that his man had taken the passport and that he would deliver it to my home and that I should give him the remaining amount. I waited a few more days, but no one came to deliver the passport, and then he stopped answering my calls, and the visa he had sent to my phone, I messaged on its face file which after reading the message I realized that he had committed fraud with many people and had taken money from them, and the accounts he had been asking to deposit money into were all being used to commit fraud. Therefore, sir, I request that the strictest action be taken against the accused".

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"13. That regarding the role of the petitioner it is submitted that he usurped the amount of Rs. 17,24,000/- in his account no. 0086015xxxxxx from the complainant in lieu of sending the victim to Canada. During interrogation, he made his disclosure statement and in pursuance of his disclosure statement he got recovered Rs. 1,00,000/- from his house."

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 4 of the bail petition, the petitioner has been in custody since 13.05.2024. As per the custody certificate dated 08.01.2025, the petitioner's total custody in this FIR is around 7½ months. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. The petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

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

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer

wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.01.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No