2023:PHHC:065285

224-1

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-6574-2023
Date of Decision: 05.05.2023

Manpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ankit Chauhan, Advocate for
Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

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HARSH BUNGER J.

Petitioner (Manpreet Singh) has filed the present petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in case bearing FIR No.302 dated 17.12.2022, under Sections 120-B, 420, 467, 468 & 471 of the Indian Penal Code and Section 66-C and 66-D of the Information Technology Act, registered at Police Station Division No.8, Ludhiana, District Ludhiana, Punjab.

2. Status report by way of affidavit dated 27.02.2023 of Ms. Jasroop Kaur Batth (I.P.S.), Assistant Commissioner of Police, Civil Lines Ludhiana, District Police Commissionerate Ludhiana has been filed by learned State counsel, which is already on record.

3. Custody certificate dated 18.04.2023 of the petitioner is filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

4. Briefly, the aforesaid FIR was registered on the basis of a secret information received by Swaran Chand, Assistant Sub Inspector, Police Station Division No.8, Ludhiana that Ankush Bassi s/o Janak Raj Bassi, Ketan Sood, Sachu Subhash, Jobanpreet Singh, Pranav Arora, Ritik Kalra, Kapil Walia, Manwinderpal Singh, Reshav Singh, Manpreet Singh, Rohit Thakur, Abhiraj Singh, Japandeep Singh in connivance with their companions were running a call centre and misleading the citizens of other countries *via* internet by pretending that they belong to *Paypal* platform and are members of Customer Support Centre. Thereafter, they used to send them the messages that the amount has been deducted from their account(s) by the Bank and further used to provide a toll free number with the assurance that the amount will be returned to their account(s). It was further stated that these persons were making calls and playing frauds by way of redeeming gift cards of other persons. It was also stated that the aforesaid Ankush Bassi has got registered a fake Firm under the name of 'Balaji Info Services', however in reality, no such Firm actually exists and the money obtained through this Firm is being used for further transactions in other Firms. It was stated that Ankush Bassi and Ketan Sood were coming in their *Thar* along with their laptop through which they call the foreigners and cheat them, and in case barricading is done, they can be caught red handed. Finding the aforesaid information to be reliable, *ruqa* was sent through Contable Hardeep Singh and the FIR in question was got registered.

5. Learned counsel for the petitioner submits that the petitioner is

innocent and he has been falsely implicated in FIR No.302 dated 17.12.2022. It is submitted that the petitioner is a young boy of 22 years of age and he has no concern with the alleged crime. It is submitted that the petitioner has cleared his graduation and after that he further applied for study visa for Canada, and till now, he was working with the Firm-Balaji Info Services, owned by co-accused Ankush Bassi, which was registered with the Government of India's M.S.M.E. Scheme under the Indian Partnership Act. It is submitted that the petitioner has committed no fault as he only applied for a job in the aforesaid Firm, whereupon he was appointed by the said Ankush Bassi. It is stated that the petitioner is only an employee in the aforesaid Firm and he has no knowledge regarding any of the alleged illegal activities being carried out by co-accused Ankush Bassi. It is submitted that the police has arrested all the employees, including all the girls, of the Firm-Balaji Info Services on a single day. Learned counsel for the petitioner submits that the petitioner has not committed any fraud with anyone nor he is a beneficiary in any form. It is further submitted that there are no direct allegations against the petitioner nor any recovery has been effected from him. It is contended that during the course of investigation, it has been found that the Firm under the name of 'Balaji Info Services', owned by co-accused Ankush Bassi, was a genuine one and the same was found to be registered with the Government of India's M.S.M.E. Scheme under the Indian Partnership Act, therefore, offences under Sections 467, 468 and 471 of the Indian Penal Code have been deleted and at present, the instant FIR is only under Sections 120-B & 420 of the Indian Penal Code and Section 66-C & 66-D of the Information Technology Act.

6. Learned counsel submits that the petitioner had applied for grant

of regular bail before the Court of Additional Sessions Judge, Ludhiana, which was wrongly declined vide order dated 18.01.2023 (Annexure P-2). Learned counsel further submits that the petitioner is not involved in any other case and he is in custody in this case since 20.12.2022; investigation of case is complete and challan has already been submitted on 14.02.2023. Hence, conclusion of trial will take some time and no useful purpose would be served with further incarceration of the petitioner. Learned counsel for the petitioner submits that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

7. Per contra, learned State counsel opposes the plea of petitioner for grant of regular bail on the ground that the petitioner is involved in cyber crime and spoofing attack whereby the innocent persons are being cheated. It is submitted that an illegal call center was being operated and money was being received in India through *hawala* system and cyptocurrency. While referring to status report dated 27.02.2023, it is submitted that from the Call Centre in question, 18 mobile phones, 7 computers and 2 laptops along with other equipments, i.e. L.C.Ds, headphones, communication cables etc. were recovered, and the computers/laptop devices were sent to the State Cyber Cell for retrieval of the data. However, it is fairly stated that the said devices as well as the retrieved data has not yet been received back by the Investigating Agency. It is not denied that during the course of investigation, offences under Section 467, 468 and 471 of the Indian Penal Code have been deleted from the instant case FIR No.302 dated 17.12.2022 vide Zimni Report No.6 dated 12.01.2023. Learned State counsel also concedes the facts that no other case

is pending against the petitioner and investigation in the present case is complete and challan stands presented on 14.02.2023.

8. I have heard learned counsel for the parties and perused the paper book, status report as well as custody certificate of the petitioner supplied by learned State counsel in Court today.

9. In this case, the petitioner is a young boy of 22 years of age, who is a graduate and is at the cross roads of his career. He is in custody since 20.12.2022, i.e. for a period of almost four months. As per custody certificate, there is no other case against the petitioner. Concededly, the offences under Sections 467, 468 and 471 of the Indian Penal Code stand deleted from the instant FIR No.302 dated 17.12.2022 and now the offences under Sections 120-B & 420 of the Indian Penal Code and Section 66-C and 66-D of the Information Technology Act, remain in the FIR in question. Investigation in this case is complete and challan stands presented on 14.02.2023. Hence, trial in the case is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars. Moreover, alleged recovered computers/laptops etc. have been sent to the State Cyber Cell for retrieval of the data, however, its report and the retrieved data are yet to be received by the Investigating Agency.

10. Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency

of case/trial and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also appear before the concerned Police Station/Station House Officer on first Monday of every month till the conclusion of trial and on each such appearance, the petitioner shall submit an affidavit to the concerned Police Station/Station House Officer that he is not involved in any other case.

11. In addition, the petitioner (or anyone on his behalf) shall prepare a Fixed Deposit Receipt (F.D.R.) in the sum of Rs.50,000/- and submit the same with the trial Court. The same would be liable to be forfeited as per law, in case the petitioner remains absent from trial without any sufficient cause.

12. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

13. The petition is accordingly disposed of.

05.05.2023 **(HARSH BUNGER)**
Apurva **JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No