

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-23927-2023 (O/M)  
Date of decision : 17.07.2023

Ankush Bassi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present:- Mr. Amit Kumar Saini, Advocate  
for the petitioner.

Mr. Vipin Pal Yadav, Additional A.G. Punjab.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Ankush Bassi) 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 420, 467, 468, 471, 120 B IPC, 1860 and under Sections 66C and 66D of Information Technology (Amendment) Act, 2008 (Sections 467, 468, 471 IPC deleted later on) registered at Police Station Division No. 8, District Police Commissionerate, Ludhiana.

2. Status report by way of affidavit dated 29.06.2023 of Ms. Jasroop Kaur Batth (IPS) ACP, Civil Lines, Ludhiana, District Police Commissionerate

Ludhiana, has been filed on behalf of State of Punjab, which is already on record.

3. Custody certificate dated 03.07.2023 of the petitioner is filed by learned State counsel in the 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 (petitioner), 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 (petitioner herein) 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 (petitioner herein) 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 belongs to a respectable family and his mother is a retired Government teacher. It is submitted that the petitioner started his career in year 2009 by joining company namely OPK E-Services Pvt. Ltd. Ludhian as a Customer Care Executive on a fixed salary of Rs. 9,500/- per month and thereafter petitioner was promoted as Senior Customer Support Executive. It is further submitted that the petitioner joined another company namely Jindal Infomedia Pvt. Ltd. Ludhiana on 29.11.2010 and worked in the said company till 22.6.2011. Thereafter, the petitioner went to Singapore for pursuing Advance Diploma in Hospitality Management, for which student pass and visa was issued to the petitioner from 18.08.2011 to 25.04.2012 (Annexure P-10 to Annexure P-13). After completing the aforesaid advance diploma, the petitioner again joined OPK E-Services Pvt. Ltd. Ludhiana and worked there from 04.06.2012 to 15.04.2015 where his work was to provide Online Tech Support, Telecom Services and Consultancy Services. It is next submitted that in the year 2015, the petitioner started working of his own as Frellancer and got his own firm registered under Micro, Small and Medium Enterprises, Government of India. Learned counsel for the petitioner states that in December 2020, the petitioner got married and was blessed with a daughter in August 2021. It is contended that the petitioner earned livelihood of his family by doing the work of Freelancer and by providing Online Tech Support and being a freelancer, the

petitioner has obtained TFN number from PBX Company. The co-accused of the petitioner also obtained TFN number separately and they started working together as freelancer for providing online tech support through their own TFN number.

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 contended that during the course of investigation, it has been found that the Firm under the name of 'Balaji Info Services', owned by petitioner, 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 and 420 of the Indian Penal Code and Sections 66-C and 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 17.02.2023 (Annexure P-23). Learned counsel further submits that the petitioner is not involved in any other case and he is in custody in this case since 22.12.2022; 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. It is also submitted that other co-accused in this case have already been granted bail by this Court. 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 an illegal call center was being operated and money was being received in India illegally. While referring to status report dated 26.06.2023, 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 have 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. It is further not disputed that other co-accused in this case have been granted bail vide Annexure P-19 to Annexure P-22.

8. I have heard learned counsel for the parties and perused the paper book, status report which is already on file. The custody certificate of the petitioner has been supplied by learned State counsel in Court today which is taken on record subject to all just exceptions.

9. In this case, the petitioner is in custody since 22.12.2022, i.e. for a period of almost eight 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 and 420 of the Indian Penal Code and Sections 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 to conclude. As per status report, the 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. Moreover, the other co-accused in this case have been granted bail vide Annexure P-19 to Annexure P-22.

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/Illaq 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.

(HARSH BUNGER)  
JUDGE

17.07.2023.  
sjks

Whether speaking/reasoned order : Yes / No

Whether Reportable : Yes / No