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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-39078-2023 in/and
CRM-M-32637-2023
Date of decision: 29.11.2023

Pankaj SuriPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tejwinder Singh Gill, Advocate
for the applicant/petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

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Allowed as prayed for.

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The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in a case bearing FIR No.97 dated 03.03.2023 under Sections 419/420/120-B/465/467/468/471 of IPC and Sections 66-C, 66-D of I.T. Act, registered at Police Station Divisoin No.7, Ludhiana, Punjab.

The present FIR was lodged on the basis of secret information that Pankaj Suri son of Chaman Lal resident of D.P. Colony Bhamian, Kalan, Ludhiana, is receiving Rs.999/- in his personal account by recruiting the volunteers from different cities of India by presenting himself as Central Commandant of CCTNS, which is an Institute of NCRB and presenting Avilok Viraj Khattri as Director of CCTNS. He committed fraud by sending the

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volunteers after preparing their forged I.D. Cards under the signatures of fake officers through his WhatsApp No.8283849545 and he has extracted huge money of Rs.6 lakhs each by bluffing them on the pretext of sending them abroad by sending messages after making fake emails, I.D. Cards and Facebook pages in the name of CCTNS. It is further alleged that Pankaj Suri had also received Rs.999/- each from Ramesh Kumar resident of Village Nurpur and Arun Kumar resident of Ludhiana by preparing their I.D. Cards. The police official alleged in the FIR that if mobile, laptop and printer of Pankaj Suri is examined by taking into possession, then all the above said fake documents, details of volunteers appointed in the different cities on different posts and forms filled for their recruitment can be recovered.

Learned counsel for the petitioner *inter alia* contends that the petitioner has not created any fake emails, I.D. Cards or Facebook Page. The mobile phone and laptop have been recovered by the Investigating Agency and there is nothing on record to suggest that these devices were used for creating fake I.D. Cards, emails and Facebook pages rather the petitioner was made a scapegoat. The challan in this case has already been presented and the petitioner is in custody since 04.03.2023.

Per contra, the learned State counsel opposes the grant of regular bail to the petitioner on the ground that he is involved in two more cases and the allegations are very serious in nature, as such, he does not deserve the concession of regular bail.

A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. CBI***' (2022) 10 SCC 51, with respect to prevailing conditions

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of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the records of the case, it transpires that the petitioner is behind the bars since 04.03.2023. Investigation is complete. The final report under Section 173 Cr.P.C. has already been presented before the concerned Court. There are 35 prosecution witnesses cited by the Investigating Officer. The trial has not commenced till date as charges are yet to be framed. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner.

Keeping in view the law laid down by the Hon'ble Supreme Court

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of India in 'Prabhakar Tewari Vs. State of U.P. and another' 2020 (1) R.C.R. (Criminal 831) and 'Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another', 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Pankaj Suri is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

29.11.2023
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No