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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **BAIL APPLN. 4794/2024**

PUNIT KUMAR (IN JC) .....Petitioner

Through: Mr. M.L. Yadav, Mr. Harish Chand and Mr. Deepak Ahlawat, Advs.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Manoj Pant, APP for the State with SI Jitender Singh, PS Burari.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% **24.12.2024**

CRL.M.A. 39109/2024 *(exemption from filing certified copies / dim annexures)*

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

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3. The present bail application is filed seeking regular bail in FIR No. 167/2024 dated 15.03.2024, registered at Police Station Burari, for offences under Sections 419/420/120B of the Indian Penal Code, 1860 ('**IPC**') and Section 66(D) of the Information Technology Act, 2000 ('**IT Act**').

4. The FIR was registered on an alleged secret information that a call centre is being run illegally to dupe innocent people on the pretext of providing job in HDFC Bank through 'Naukri.com'. The informer had pointed out the place / building from where the call centre was being run. On entering the

premises, it is alleged that the accused persons, who were present in the premises, accepted that they make calls to people for providing them jobs in HDFC Bank through Naukri.com and they collect money from them.

5. It is alleged that the applicant had made fake PAN Card in the name of 'Ankit Kumar', having a photograph of the applicant, and entered into a rent agreement with the landlord of the premises from where the alleged fake call center was run. It is alleged that different bank accounts were also allegedly opened by the applicant and other accused persons for the said purpose.

6. The applicant was arrested on 16.03.2024 and is in custody since then.

7. After the investigation, the chargesheet was filed against the applicant for the offences under Sections 419/420/468/471/120B of the IPC and Section 66D of the IT Act. In the chargesheet, one victim was identified, namely, Bhupender Suryavanshi. It is alleged that the victim had paid a sum of ₹1,24,000/- to the accused persons on being allured that he will get a job.

8. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and he has no prior antecedents.

9. He submits that the investigation is complete and the chargesheet has been filed. He submits that the case is based on documentary evidence and no purpose would be served by keeping the applicant in custody.

10. He submits that the applicant is the sole bread earner in the family and he has to take care of his family members, including

his wife and parents.

11. *Per contra*, the learned Additional Public Prosecutor for the State opposes the grant of any relief to the applicant. He submits that the applicant is alleged to have duped a number of victims and the offence as alleged is serious in nature.

12. I have heard the counsel and perused the record.

13. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

14. It is the case of the prosecution that the accused persons, including the applicant, duped a number of victims into paying money under the false guise of securing them jobs through Naukri.com. It is also alleged that the applicant made a fake PAN Card bearing his photograph under the false name of 'Ankit Kumar'. The applicant also allegedly entered into a rent agreement with the landlord of the premises, from where the call center was run, using the fake name of 'Ankit Kumar'.

15. It is stated that no recovery has been effectuated at the instance of the applicant. It is also argued that the case is based on documentary evidence that has already been seized.

16. The complicity of the applicant as well as the allegations

and defences will be seen during the course of the trial, however, it cannot be ignored that given the alleged number of victims, the trial is likely going to take a long time to conclude. Even as per the case of the prosecution, they are still in the process of identifying other victims.

17. The applicant was arrested on 16.03.2024. The applicant cannot be made to spend the entire duration of trial in custody.

18. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.

19. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.

20. In view of the same, without commenting on the merits of the case, this Court is of the opinion that the applicant ought to be enlarged on bail. The applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹50,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court/ Duty MM/ Link MM, on the following conditions:

a. The applicant shall cooperate in any further investigation as and when directed by the concerned IO;
b. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or

tamper with the evidence of the case, in any manner whatsoever;

c. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;

d. The applicant shall appear before the learned Trial Court as and when directed;

e. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

f. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

21. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

22. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

23. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

DECEMBER 24, 2024

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