IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

234 **CRM-M-12176-2025**
Date of decision: 13th May, 2025

Narinder Singh @ Dashrath

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Naveen Sharma, Advocate for the complainant.

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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 16 dated 12.02.2024 registered under Sections 419, 420 and 120-B of IPC and Sections 66-C and 66-D of Information Technology Act, (Sections 465, 467, 468 and 471 of IPC added later on) at Police Station Model Town, District Ludhiana.

2. As per the prosecution case, the complainant Sanjeev Jain, who is owner of a hosiery factory at Ludhiana and hails from Jain community, had received a call on his mobile phone number on 07.02.2024. The caller introduced himself as Parkash Rasik Lal Dhariwal, who is head of a committee of Jain community. The said Parkash Rasik Lal Dhariwal was

known to the complainant as he used to donate huge sums of money for development of Jain Community and Jain temples. The caller told the complainant that he had collected some money from Ludhiana for the purpose of donation and asked the complainant to help him for delivering that money to Delhi or Mumbai, wherein he had been residing. The complainant expressed his inability to do so but on insistence of the caller that his act would be for the purpose of their religion and for construction of temple and other religious activities, which would stop otherwise, the complainant agreed to do so.

3. As per the further allegations, on 08.02.2024, the complainant received a call from another cell phone number and the caller, while introducing him as Vivek Jain, nephew of Parkash Rasik Lal Dhariwal represented to the complainant that he was coming to his place at Ludhiana with cash amount of Rs. 2,00,00,000/- and also induced the complainant to give an amount of Rs. 50,00,000/- in cash at Delhi to some persons. On being so induced, the complainant through his acquaintance at Delhi, was made to part with a sum of Rs. 50,00,000/- to two persons who had come to collect the same and whose names were told as Kishore Lunkar and Parmod Mehta by the caller. However, neither the abovesaid Vivek Jain nor any other person came to give back the money of the complainant and their phones were also switched off by the callers subsequently. Having realized that he had been cheated, the complainant reported the matter to the police.

4. After registration of FIR, investigation proceedings were initiated. During investigation, the tower locations of the cell phone numbers from which calls were received by the complainant were obtained and they

were found to be from Delhi. CCTV footage of the locations had also been taken and two youths were found taking a bag of currency notes given by the complainant in the CCTV camera. They were later on identified as accused Anas Saifi and Anas. They were arrested on 17.02.2024. Accused Anas Saifi disclosed that he had been called by the co-accused Amir and Mohit and had collected bag of containing currency notes from a person. Accused Anas Saifi also got recovered an amount of Rs. 50,000/- from the cheated amount. Accused-Amir was nominated as an accused. He was arrested on 18.02.2024 and suffered disclosure statement that he had collected a bag of currency notes along with the co-accused Mohan @ Mohit. Subsequently, co-accused Varinder Singh and Ashu Saini were nominated.

5. On 09.02.2024, supplementary statement of complainant was recorded on the basis of which, accused Kamlesh was nominated as such. He was arrested on 12.03.2024. On interrogation, accused Kamlesh suffered a disclosure statement to the effect that he along with the present petitioner and co-accused Raju Rewari, Ashok Kumar Purohit, Vijay Singh, Lalit Raj Purohit and Suresh Purohit formed a gang to cheat people by alluring them. He disclosed that the money received from the complainant was given by him to the petitioner and to co-accused by the co-accused Raju Rewari through his persons and that he had kept an amount of Rs. 25,00,000/- with him and had given the remaining amount of money to the petitioner and co-accused Ashok Kumar,Vijay Singh, Lalit Raj Purohit and Suresh Purohit. The petitioner was nominated as accused and was arrested. Investigation has now completed.

6. It is argued by learned counsel for the petitioner that he has

been falsely implicated in this case. He is in custody since 17.07.2024. The subject offences are triable by Magistrate. He has been roped in this case only on the basis of disclosure statement of the co-accused which cannot be considered to be admissible against him. Trial is likely to take time. The ingredients for commission of the subject offences are not attracted qua him. He was not seen in the recovered CCTV footage. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

7. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant that there are serious allegations against the petitioner. Infact, he is the master mind of the crime, as it was he who had impersonated himself as Parkash Lal Rasik Dhariwal and induced the complainant to part with a huge amount of money by making phone calls to him continuously with intention to cheat him. He formed gang with the co-accused to cheat them by alluring them in pursuance of a conspiracy hatched by him, the complainant was deprived of his money. He had used different SIM cards and had destroyed them. Defrauded money had been divided by him amongst the co-accused and himself. He has criminal antecedents since as many as ten cases have been registered against him in different States of India. His case is not parity with the co-accused who have been extended benefit of bail. There are chances of petitioner's intimidating the witnesses, committing similar offences and absconding, if extended benefit of bail. Accordingly, it is urged that the petition does not deserve to be allowed.

8. I have heard learned counsel for the parties at considerable

length and have gone through the record carefully.

9. The petitioner is alleged to have hatched a conspiracy with the co-accused and to have impersonated himself as Parkash Rasik Lal Dhariwal and made calls to the complainant thereby inducing him to part with a huge amount of money. The money so taken from the complainant had been received by him from the co-accused and was distributed amongst the co-accused and himself. He is a habitual offender since as many as ten cases have been registered against him, some of which are of similar nature including offence of dacoity and attempt to murder. The apprehension expressed by the respondent-State of his absconding or intimidating the witnesses, cannot be stated to be unfounded at this stage. His case cannot be stated to be parity with the case of the co-accused, who have been extended benefit of bail. In view of the above discussed facts but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

13th May, 2025
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No