

2025:PHHC:017530



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRM M-50549 of 2024

Date of Decision: 05.02.2025
- Malti Kumari

Versus

...Petitioner
- State of Punjab

... Respondent
2.

CRM M-51353 of 2024
- Shivani

... Petitioner
- Versus
- State of Punjab

... Respondent
3.

CRM M-56149 of 2024
- Ajay Kumar

... Petitioner
- Versus
- State of Punjab

... Respondent
4.

CRM M-60298 of 2024
- Riya Chauhan

... Petitioner
- Versus
- State of Punjab

... Respondent
5.

CRM M-60686 of 2024
- Aditya Kapoor

... Petitioner
- Versus
- State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Amandeep Singh Rai, Advocate
for the petitioner in CRM M-50549-2024.

Mr. Sandeep Saini, Advocate
for the petitioner in CRM M-51353 of 2024.

Mr. K.D.S. Sidhu, Advocate
for the petitioner in CRM M-56149 of 2024.

Mr. Prateek Gupta, Advocate
for the petitioner in CRM M-60298 of 2024.

Mr. Gurinder singh Dhot, Advocate
for the petitioner in CRM M-60686-2024.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off above mentioned five petitions, i.e., **CRM M-50549 of 2024** titled as “**Malti Kumari Vs. State of Punjab**”, **CRM M-51353 of 2024** titled as “**Shivani Vs. State of Punjab**”, **CRM M-56149 of 2024** titled as “**Ajay Kumar Vs. State of Punjab**”, **CRM M-60298 of 2024** titled as “**Riya Chauhan Vs. State of Punjab**” and **CRM M-60686 of 2024** titled as “**Aditya Kapoor Vs. State of Punjab**”, which have been filed by the petitioners under Section 483 of BNSS 2023 with a prayer to grant the concession of regular bail to them in case FIR No. 0345 dated 06.08.2024 under Sections 319(2), 318(4), 336(2), 338, 336(3), 340(2), 308(2) and 61(2) of the BNS 2023 and Section 66(C) and

66(D) of Information and Technology Act registered at Police Station Zirakpur, District SAS Nagar, Mohali (Annexure P-1).

2. The FIR in the present case was registered on the basis of the complaint lodged by Jaskanwal Singh Sekhon, SHO, Police Station Zirakpur and the same has been reproduced below:-

“Copy submitted to S.H.O, Police Station Zirakpur, Punjab. Today, I Inspector alongwith Sub-inspector Kuldeep Singh, Assistant Sub-Inspector (ASI) Raj Kumar No. 588/SAS Nagar, ASI Parmapreet Singh No. 1743/SAS Nagar, Constable Paramjit No. 33/SAS Nagar, PHG Om Prakash No. 30083 and Lady Constable Ramanjeet Kaur No. 1740/SAS Nagar, traveled in a government Scorpio Vehicle No. PB 65 BG 4705, driven by Constable Hardeep Singh No. 1156/SAS Nagar. With a personal laptop and printer, we were patrolling the area near Kohinoor Dhaba, Zirakpur, in connection with a case of some suspicious persons. During this time, a special informer approached the Inspector with information about Mohammad Nadeem Qureshi son of Mohammad Ayub Qureshi, resident of Jagmalpura Road Mohalla-Islampur, Ward No. 49, Sikar, Rajasthan; Tausif Ahmed Jatu son of Ashwaq Ahmed, resident of Mohalla-Khukran Ward No. 40, Police Station-Sikar, Rajasthan;, Akash Bisht, son of Deepak Bisht, resident of Indira Colony, Police Station Kotwali-Dehradun, Uttarakhand; and Umar Joffery son of Francis Foza resident of Y.E South Sudan who along with their other accomplices by forming different teams in Flat No-15, Friends Enclave Zirakpur, Flat No. 605 B,

Jasmine Tower, Trishla City, Zirakpur; Flat No. 402, First floor, Vijay Apartment, VIP Road-Zirakpur; and Flat No. 56 C, Sunshine Enclave, Zirakpur, by impersonating representatives of different government and non-government institutions in India and abroad, preparing fake IDs to deceive innocent people. They use online software like X-Lite for spoof calls, pretending to be service providers from Microsoft, Amazon, etc. They then scare these individuals by sending fake ids by saying that an illegal parcel under their name has been found in Mexico. "After this, these individuals trap innocent people in their web and forcing them to reveal their complete bank details and obtain their complete bank details. They then create a fake URL link and send it to the victim, pressuring them to click on it. Once the victim clicks on the link, the fraudsters hack into the person's computer using Any Desk or some other hacking software to gain full access. They then proceed to empty the victim's bank account through online fraud. These individuals, as part of a well-planned conspiracy, target innocent people and make them victims of online fraud. The mentioned individuals, along with their accomplices, are carrying out online fraud from the above-mentioned locations. If a raid is conducted at these locations right now, these individuals can be caught red-handed using laptops to commit online fraud. The information provided by the informant is credible, and the case involves violations of sections 319(2), 318(4), 336(2), 338, 336(3), 340(2), 308(2), 61(2) BNS, 66C, and 66D of IT ACT 2000. Therefore, a case is being registered against the accused, Mohammad Nadeem

Qureshi son of Mohammad Ayub Qureshi, Tausif Ahmed Jatu, Akash Bisht, Umar Joffery, son of Francis Foza, resident of Y.E South Sudan. Muhammad Nadeem Buresi, Tauseef Ahmed Jattoo, Akash Bist, Umar Javeri. The case is being forwarded to PHG Om Prakash 30083 for registration at the police station. After registration, the file number should be communicated and senior officers and the control room should be informed."

3. Learned counsel for the petitioners have vehemently argued that the FIR in the present case was registered on the basis of a secret information to the effect that the some fake call centres were being run in Zirakpur by Mohammad Nadeem Qureshi, Tausif Ahmed Jatu, Akash Bist, Umar Joffery alongwith their accomplices by forming different teams and they were committing online frauds with innocent people. Learned counsel further submits that the petitioners were not named in the FIR nor any specific allegation was levelled against them. The petitioners are young boys and girls, who were looking for jobs in the area of Zirakpur and had recently joined the call centres. They were permitted to join by the owners of the call centres by stating that it was just a training centre and, thereafter, they will be transferred to some big multinational company with a higher package, after completion of training period of 02 months. The petitioners even did not have the knowledge about the working style and nature of the work, which was being carried out at the call centres. The petitioners were arrested in the present case on

06.08.2024 and final report under Section 173 Cr.P.C. has already been presented against them. Learned counsel further contends that the offences in the present case were triable by the Court of Magistrate and they were simply the employees of the call centres. None of them owned the call centre and have been victimized by the owners. Still further, no prosecution witness has been examined so far and their custody will not serve any purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners and submitted that the petitioners and their accomplices had formed multiple teams to commit cyber fraud in conspiracy with each other and were operating from different locations in Zirakpur. These persons were impersonating as fake government officials and were defrauding innocent victims within India and abroad. Still further, the raids were conducted on different locations and the petitioners were apprehended along with their laptops. However, it was admitted that the petitioners were working there and there was no allegation that they own the call centres.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioners have submitted that they had recently joined the call centres at Zirakpur as employees and none of them was owner of the call centre. Even, they were young

boys and girls, who had joined the call centres recently. Further, the prosecution is yet to lead evidence with regard to their involvement in the crime and their incarceration will not serve any purpose. All the petitioners have been in custody for the last about 06 months and challan has already been presented against all of them.

7. In view of the above, without commenting any further on the merits, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

05.02.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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