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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.213-2

**CRM-M-64553-2024 (O&M)
Date of decision : 13.02.2025**

Mohammad Danish Quamar

..... Petitioner

VERSUS

State of UT, Chandigarh

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rao Ajender Singh, Advocate, for the petitioner.

Mr. Manish Bansal, PP, UT Chandigarh.

KIRTI SINGH, J. (Oral)

1. This is a second petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.32 dated 18.04.2024 under Sections 419, 420, 467, 468, 471 & 120-B IPC, registered at Police Station Cyber Crime, District Chandigarh.

2 The translated version of the FIR is reproduced below:-

'Statement of Pratibha Sharma, d/o Sh. Ravinder Dev, R/(O&M) 2566, Sector 22-C Chandigarh. Told that I live at the above address and was trying for a job, that one day I had posted my profile on naukri.com, linkedin for a job, then I got a mail in Nov-2023 from Sr. HR Executive, SrHRrexecutive009@gmail.com for job interview on 2 Nov 2023 SCO No. 142-143-144 1st floor, Sector 17. Then I Came to Chandigarh where I gave an interview on 2 Nov-2023. There I met 2-3 boys, one of whom told his name as Mohit Rajput and the other told that I am their HR, they also had a girl there, so they selected me for a job in MAX Hospital Mohali and gave me a letter of intent to hire which was given in the name of Paramount HR Services whose email id was Paramounthrservices999@gmail.com. Then they told me to pay

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advance of Rs. 21500/- for Kit which will Include a laptop and a bag will be provided on the Job, for which they gave me scanner from the phone there on which I transferred 21500/- from my google pay 8894609400 which was transferred from my A/C No. 33177849152. The payment which was given from SBI Rohru Shimla Branch was shown in my Google Pay in the name of Shreya Dattatray Bhagyawant, for which they gave receipt of payment in the name of Paramount HR Services after which they called from the phone numbers 8826756044, 9311043163 asking to make some more payment stating that they will give extra things in the kit and have to give other things. So when I went to their office, it was closed and they had went away. When I inquired about them, then I came to know that they had taken the office on rent only for two days, now they are not here. Then when I inquired about the job in MAX Hospital, I came to know that there is no job available there. These people took my data from somewhere and opened a fake office and cheated me of Rs.21500/- on the pretext of offering a job in the name of Paramount HR Services. These people have cheated many people all over India. I have come to know that they open their offices only for a few days. Legal action should be taken against them. Wrote the statement, heard it, okay. Sd/- Pratibha Sharma D/o Ravinder Dev 2566, Sector 22C, Chandigarh mob. 8894609400. DOB-18/02/1998 attested by SI Krishan Dev Singh 1062/CHG Action Police: It is recorded that a Complaint no. ICMS/2023/028466 dated 05.11.2023, Made By Pratibha Sharma R/o H. No. 2566, Sector-22C, Chandigarh, Police Station, where statement is taken and then inquiry is ordered by senior officers. Case No. 32 dated 18.04.2024 U/S 419, 420, 467, 468, 471, 120B IPC, PS- Cyber Crime, Chandigarh Police registered against unknown person. The original complaint was copied and handed over to the police for investigation. Copy of FIR is

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being sent to Officers. From.ASI (Note: Parties can avail free Legal Aid from District Legal Services Authority UT Chandigarh.'

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The complainant has turned hostile qua the petitioner. The petitioner has undergone an actual custody of 08 months and 23 days and is not involved in other criminal case. The co-accused, namely, Sumit has been granted the concession of regular bail vide order dated 16.10.2024 passed by this Court in CRM-M-37599-2024.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 08 months and 23 days and there is no other criminal case pending against him. He on instructions from the concerned investigating officer submits that charges were framed on 19.09.2024 and out of a total of 14 prosecution witnesses, 03 witnesses has been examined till date. On a pointed query, it is not disputed that the complainant has turned hostile.

5. Heard the rival submissions made by learned counsel for the parties.

6. A perusal of the case in hand transpires that the petitioner is behind the bars since 18.04.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and

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trial of the case has not made much progress as out of 14 prosecution witnesses, 03 witnesses have been examined so far. The co-accused has already been granted concession of regular bail by this Court. The complainant has turned hostile during trial. 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 the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violate of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in ***“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.***

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.

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- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.
- Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

13.02.2025
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No