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

% *Date of Decision: 09.01.2025*

+ **BAIL APPLN. 3809/2024**

SYED FAIZ ALI

.....Petitioner

Through: Mr. Ashish Kumar and Mr.
Keshav Ram and Mr. Sahil,
Advocates.

versus

STATE GOVT. OF NCT OF DELHI
AND ANR.

.....Respondents

Through: Mr. Manoj Pant, APP for the
State with SI Pritosh Rathee.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)

1. The present bail application under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant, seeking grant of anticipatory bail in case arising out of FIR bearing no. 208/2019, registered at Police Station Economic Offences Wing, Delhi, for offences punishable under Sections 406/419/420/468/471/120B of the Indian Penal Code, 1860 (hereafter 'IPC').

2. The brief facts of the present case, as per the prosecution, are that the FIR in this case was registered on the joint complaint of Mr.



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Imtyaj Alam and 29 others, against Arif Khan and Salman Khan, of M/s Gunjan International Pvt. Ltd. As alleged, the complainants had come in contact with Salman Khan after being induced by advertisements (banners and posters) for jobs in foreign countries, which were pasted on electrical poles on various roads in Delhi. Salman Khan had allegedly promised that he could arrange jobs for them in Kuwait. The complainants had paid ₹60,000 each and handed over their original passports to Salman Khan, with the assurance that they would receive air tickets, original passports with visas, and job agreements on 09.05.2019. However, when the complainants had reached the company's office at New Friends Colony, New Delhi, they had found it locked, and Salman Khan's mobile numbers were switched off. The complaint revealed that a total of ₹18,60,000 was paid to Salman Khan, partly in cash and partly into the A/c No. 50200030765078 in the name of M/s G.K. Tour and Travels Solutions, maintained with HDFC Bank, as instructed by Salman Khan. One of the complainants, Mr. Guddu Alam, had deposited ₹50,000 on 20.04.2019, ₹99,000 on 30.04.2019, ₹51,000 on 01.05.2019, and ₹25,000 on 06.05.2019 into the said bank account on behalf of six victims, including himself.

3. During the investigation, the landlord of the alleged office, Mr. Shyam Sunder, provided a copy of the lease agreement and identification proofs, including the Aadhar Card and Voter ID of the persons who had taken the premises on lease for running the alleged job agency. It was revealed that the premises were taken on lease by



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Mohd. Arif Khan. Despite several notices under Section 41A of Cr.P.C. sent to Mohd. Arif Khan, he did not join the investigation and remained untraceable despite sincere efforts. The company M/s Gunjan International Pvt. Ltd. was found to be bogus upon checking the RoC records. Consequently, a Lookout Circular (LOC) was issued against Mohd. Arif Khan. On 11.03.2022, Non-Bailable Warrants (NBWs) were obtained from the Court of CJM, South-East, Saket Courts against Mohd. Arif Khan. On 16.03.2022, information was received from the Immigration Department, Jaipur Airport, that they had apprehended Mohd. Arif Khan. During interrogation and scrutiny of records, it was revealed that an unknown person had impersonated Mohd. Arif Khan, misusing his Aadhaar Card and Voter ID, by morphing the original Arif's picture and replacing it with his own. Copies of the forged documents were provided to the owner of the premises where the fake travel agency was operating. During interrogation, Arif Khan informed the police that he had never operated M/s Gunjan International. His photographs were compared with those provided by the complainant and those on the tenant form and Aadhaar card, and it was found that he was not the person in the photos. The complainants and Mr. Shyam Sundar, the owner of the premises, confirmed that the apprehended person was not the same Arif Khan who had interacted with them. Subsequently, the NBWs issued against the actual Mohd. Arif Khan were cancelled.

4. The investigation revealed that the unknown person had



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impersonated Mohd. Arif Khan using forged documents to lease the premises and commit fraud in conspiracy with other co-accused persons. Therefore, Sections 419, 468, and 471 of the IPC were added to the original complaint.

5. Thereafter, the bank account statement of A/c No. 50200030765078, maintained with HDFC Bank, was obtained and analyzed. It revealed that ₹2,00,000 out of ₹2,25,000 deposited by the complainants was further transferred to A/c No. 50180017967158 with Bandhan Bank, Rampur. The Bandhan Bank account was found to belong to accused Salman Khan, resident of Amingar Sarai, Baghat, Uttar Pradesh. He was served with a notice under Section 41A of Cr.P.C. on 28.06.2024 at his native place. Although he joined the investigation, he did not cooperate and misled the investigation, denying any receipt of money from the complainants. Salman Khan was accordingly arrested on 28.06.2024.

6. During custodial interrogation, Salman Khan disclosed that he, along with his companion Syed Faiz Ali, had operated an office to send people to Gulf countries for jobs. During this time, he opened an account in Bandhan Bank. Thereafter, they came to Delhi, and Syed Faiz Ali introduced him to his friend Imran @ Arif. He revealed that his real name was Imran, but for this fraudulent work, he introduced himself as Mohd. Arif Khan. Imran @ Arif and Faiz also introduced him to another person named Kamal. Imran @ Arif explained the whole plan to them on how they would rent premises using fake documents, send people to Gulf countries, collect money from them



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for jobs, visas, and airline tickets, and then flee from the office before the designated day. Imran @ Arif and Salman Khan thereafter rented a premises using fake documents and put up a fake board of M/s Gunjan International. Accused Imran @ Arif and Syed Ali arranged the mobile numbers in someone else's name. Thereafter, they put up advertisements and banners at various places offering jobs abroad. When people called the numbers mentioned on the posters and banners, Imran @ Arif and Salman interacted with them on the phone, invited them to the office, and lured them with promises, and collected their real passports and money. Faiz Ali acted as the boss in the office and Salman used to give the cash and real passports to Syed Ali. Accused Kamal, who introduced himself as Rahul, was responsible for making fake visas to convince the customers. The money was taken into Kamal's firm account, a substantial part of it was transferred to Salman's Bandhan Bank account. Salman also disclosed that the real passports of the persons they had defrauded were kept by Faiz Ali and his companion, who called himself Imran @ Arif. Thereafter, they vacated the office in New Friends Colony and fled with all the documents, which were with Imran @ Arif and Faiz.

7. The learned counsel appearing for the present applicant argues that the applicant has not been named in the FIR, and he has no concern with the alleged company M/s Gunjan International Pvt. Ltd., or with the transfers made in the bank account of M/s GK Tours and Travel. It is contended that the notices were sent to the present



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applicant after five years of registration of FIR, and that he is being falsely implicated in this case on the basis of disclosure statement of co-accused Salman Khan. Therefore, it is prayed that the applicant be granted pre-arrest bail.

?? On the other hand, the learned APP for the State argues that co-accused Salman Khan had disclosed that all the original passports as well as money were handed over to the present applicant, and the said fact duly corroborated by the statements of victims/complainants recorded under Section 161 of Cr.P.C. It is also contended that the present applicant had represented himself as the boss of co-accused persons, and thus, played an active role in alluring the victims. It is further stated that photographs of the applicant herein were provided by the victim namely Guddu Alam, which was taken by him during the alleged the course of incidents. It is also argued that the applicant has not cooperated in the investigation and his custodial interrogation would be necessary to recover the original passports of the victims and trace the co-accused persons who are absconding.

9. This Court has **heard** arguments addressed on behalf of both the parties, and has gone through the case file.

10. In a nutshell, the prosecution alleges that the accused persons, including the present applicant, had conspired to defraud job seekers by posing as a fake travel agency, M/s Gunjan International, using forged documents. As alleged, they had lured victims with promises of jobs in Gulf countries, collected significant sums of money and their passports, and then fled, leaving the victims defrauded. The



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investigation revealed the use of fake identities, forged documents, and fraudulent bank transactions as part of the scheme.

11. Having gone through the contents of the status report and material placed on record, this Court is of the opinion that the charge-sheet against the co-accused Salman Khan has been filed and the investigation has revealed that the accused persons have cheated multiple victims i.e. about 30 persons, of their hard earned money on the false pretext of getting them jobs in foreign countries.

12. The material collected during the investigation reveals that the co-accused Salman had disclosed that he had handed over all the original passports and documents to the present applicant. Moreover, one of the complainant namely Guddu Alam had himself provided a photograph of the applicant Syed Faiz Ali taken during the course of their meetings etc. Further, during the course of investigation, the complainants have also identified the present applicant.

13. The transaction of money in the bank account of the accused Salman Khan and, thereafter, further transfer of Rs.20,000/- to the bank account of the brother of present applicant Syed Faiz Ali could not be justified or any reason be given for the same by the learned counsel appearing for the applicant. Moreover, the present applicant had allegedly presented himself to be the boss, who was running M/s Gunjan International Pvt. Ltd., and had cheated gullible people of their hard earned money on the pretext of getting them jobs in foreign countries.

14. It is also the case of the prosecution that the applicant has not



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cooperated with the investigation, and his custodial interrogation is necessary to recover the original passports of the victims as well as trace the co-accused persons who have been absconding.

15. Therefore, considering the overall facts and circumstances of the case, and the seriousness of the allegations, no ground for grant of pre-arrest bail is made out.

16. The bail application is accordingly rejected.

17. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

18. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 9, 2025/A

Click here to check corrigendum, if any