



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

CRM-M-35191-2024 (O&M)
Date of decision: 29.11.2024

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

CRM-39711-2024

For the reasons mentioned in the application is allowed, the same is allowed, subject to all just exceptions.

Documents Annexure P-2 to P-4 are taken on record.

CRM-M-35191-2024

1. The present petition has been filed by the petitioner under Section 483 Cr.P.C of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.145 dated 27.05.2024, under Sections 420 and 120-B IPC and Section 66 of IT Act was added later on, at Police Station Cyber Crime, District Gurugram.

2. The allegations in nutshell are that complainant reported to the police that RTGS of Rs.1 crore each was made from the bank account of the complainant to bank accounts of Harsal Enterprises, MAS Innovations, Mohan Enterprises and Shri Bala Ji Traders in an unauthorized manner.



Accordingly, FIR was registered against the accused persons who were authorized representatives of the aforesaid firms. Co-accused Vikas Jain, who was granted interim bail joined investigation with the police. During investigation, it was revealed that the present petitioner was master mind behind the aforesaid fraudulent bank transactions and received Rs.1 crore while the other amount was paid by him as a commission to the other accused persons and authorized representatives of aforesaid firms, who allowed the petitioner to park the amount of Rs.1 crore each out of the total amount of Rs.4 crore, in their bank accounts. During investigation, the petitioner was arrested.

3. Counsel appearing on behalf of the petitioner submits that petitioner has nothing to do with the firms which are detailed in the FIR. That petitioner who was arrested is in custody for the last more than 5 months and is not beneficiary in any manner and nothing was recovered from the possession of the petitioner. It is further submitted that one of the beneficiary Vikas Jain is already granted interim bail by the co-ordinate Bench vide order Annexure P-2. It is further submitted that it will take time for trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. The present petition is resisted by the State counsel who submits that petitioner is the main accused and he received Rs.1 crore out of total Rs.4 crore and the remaining amount was paid by him as commission to the authorized representative of the firms which are named in the FIR. However, the State counsel has not disputed the fact that co-accused Vikas Jain, authorized representative of one of the said firms is already given



concession of interim bail and that the petitioner is in custody for the last more than 5 months and further, the trial is at its initial stage.

5. I have considered the submissions made by counsel for the parties.

6. The petitioner was not named in the FIR and was nominated as accused on the basis of disclosure statement of co-accused Vikas Jain, who is already given benefit of interim bail vide order Annexure P-2. The veracity and relevance of the disclosure statement suffered by co-accused against the petitioner will be tested during trial. The bank accounts wherein the disputed amount was transferred are not that of the petitioner. The complicity of the petitioner will be unfolded during the trial. After completion of investigation, the police has presented the challan and petitioner is in custody for the last more than 5 months and it will take time for the trial to conclude. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.11.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No