

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:172479



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CRM-M-1510-2025 (O&M)
Date of decision:10.12.2025

Davinder Pal Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Kumar, Advocate and
Mr. Sahil Nain, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

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.33 dated 26.11.2023 registered under Sections 420 and 120-B of IPC (Sections 467, 468, 471 and 204 of IPC added later on) at Police Station Cyber Crime Kurukshetra, District Kurukshetra.

2. The aforementioned FIR was registered on the basis of a complaint submitted by Jagdish Singh, who was a victim of cyber crime and who was allured through social media to invest money online in a particular company and was induced to part with a sum of Rs.75,94,631/- which was got deposited online by him in various accounts. It was only

later that he realised that a calculated fraud had been played upon him.

3. After registration of the FIR, investigation proceedings were initiated. Initially, accused Parveen @ Parveen Kumar was arrested. He was interrogated and suffered disclosure statement on the basis of which co-accused Yadwinder Singh was nominated as an accused. During the course of investigation, it was found that a sum of Rs.11,87,812/- was transferred from the bank account of the complainant in the bank account operating in the name of the present petitioner as on 12.06.2023 and it was also revealed that a total amount of Rs.1,01,49,644/- had been deposited in the same bank account during the period from 01.06.2023 to 12.06.2023. The petitioner was in custody in connection with some other case at that time. He was joined into investigation after issuance of production warrants and was formally arrested in this case as on 19.01.2024. On interrogation, he suffered disclosure statement to the effect that he had been asked by the co-accused Tajinder Kumar and Harry to provide his bank account to deposit money received by him by committing online fraud and had promised to handsomely reward him in lieu thereof. The other co-accused were also arrested subsequently. Investigation now stands completed and challan has been presented before the learned trial Court.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 19.01.2024. No inducement whatsoever had been made by him to the complainant with an intent to cheat him. He was not even named in the FIR. He is an illiterate person and is unaware of the technicalities of software transactions.

Disclosure statement of co-accused cannot be considered to be admissible

in evidence. The complainant himself had willingly participated in the online activity. He himself had been induced by the co-accused. He is not the beneficiary of the transaction which has taken place in his bank account and the same was used by the co-accused. Co-accused Parveen @ Parveen Kumar, Tajinder Kumar, Sagar @ Sunny, Yadwinder Singh and Gaurav @ Aman @ Roay have been extended benefit of bail. On parity, he too deserves to be given the same benefit. His continued detention would not serve any useful purpose. The trial is likely to take time. It is, therefore, urged that the petition deserves to be allowed.

5. Per contra, learned State counsel has vehemently argued that the allegations against the petitioner are serious and specific in nature. An amount of Rs.11,87,812/- from the bank account of the complainant had been transferred into his bank account. That apart, another amount of Rs.1,01,49,644/- was deposited in his bank account which was the money received by defrauding innocent persons. He is a habitual offender since similar cases have been registered against him. There are chances of the petitioner's absconding, if extended the benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner was a part of the syndicate run by the co-accused, involved in inducing innocent persons to invest their hard-earned money online and defrauding them. He is alleged to have opened bank accounts and provided the details of the same to co-accused Yadwinder Singh. Some of the co-accused have been extended benefit of bail. The

petitioner is in custody since 19.01.2024. The trial has commenced but will obviously take considerable time, as none out of the 46 prosecution witnesses has been examined so far. It is a well-settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and should not be punitive. Taking into consideration the above-discussed facts, but without making any comment on the merits of the case, the petition is allowed, and the petitioner is ordered to be admitted to bail, subject to his furnishing personal and surety bonds, including two sureties, to the satisfaction of the learned Trial Court/Illaqa Magistrate/CJM concerned.

8. However, in addition to the conditions to be imposed by the learned trial Court/Duty Magistrate/Chief Judicial Magistrate, the release of the petitioner shall also be subject to the following conditions :-

- (i) the petitioner shall not misuse the liberty granted;
- (ii) the petitioner shall not absent himself on any date before the trial Court;
- (iii) the petitioner shall not commit any offence while on bail.
- (iv) the petitioner shall give his cell phone number to the Investigating Officer/SHO of the concerned police station and shall not change the same without prior permission to the trial Court.
- (v) He shall provide his address where he would be residing after release and shall not change the same without informing the trial Court.
- (vi) He shall surrender his passport, if any, furnish details of his Aadhaar card and shall not leave the country without permission of the

learned trial Court.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by the concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move an application for cancellation of bail of the petitioner.

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

(MANISHA BATRA)
JUDGE

10.12.2025
harjeet

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