

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2584-2025
Reserved on: 06.03.2025
Pronounced on: 20.03.2025

Puneet Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kartik Khicher, Advocate,
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
75	19.06.2024	Cyber Crime NIT, Faridabad	420 IPC (Section 120-B IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That the brief facts of the present case are that on 10.04.2024, a complaint was submitted by Arun Kumar alleging therein that one month ago, he came to know regarding two apps namely SMC and LKP. The representatives of the said apps contacted him on whats app and told him that their apps provide the facility to invest in stock trading and he can earn huge profits. He got influenced by them and invested Rs.10,000/- in SMC app and Rs.15,000/- in LKP app. They showed him the profit of 25-30% and influenced him to invest more money. For investing the money, the complainant transferred total amount of Rs.17,50,000/- in different bank accounts of Shivangi (representative of SMC app) and Anna (representative of LKP app). Prayer was made for taking legal action. Thereupon, the above mentioned FIR No.75 dated 19.06.2024 u/s 420 IPC

(Later on added Section 120-B IPC) was registered at P.S. Cyber Crime NIT Faridabad.”

4. The petitioner’s counsel submits that no specific allegations have been levelled by the complainant against the petitioner. The petitioner’s name is not named in the FIR, his name has been surfaced on the basis of disclosure statement of co-accused Mukesh Yadav. He has referred to order dated 13.02.2025 passed by the trial Court, vide which, the said co-accused Mukesh Yadav has been granted the benefit of regular bail. He prays for bail on the ground of parity with said co-accused.
5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
6. The State’s counsel opposes bail and refers to the status report.
7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“9. That the role of the petitioner Puneet Kumar in the present case is that he was involved along with accused Sujeet Kumar in the present fraud. On the saying of accused Sujeet Kumar, the petitioner conspired with accused Mukesh Yadav and as per the said conspiracy, Mukesh Yadav took a shop on rent and the petitioner obtained the photocopies of Adhaar Card, PAN Card and sim no.98916xxxx from Mukesh Yadav. The petitioner had got opened the current account no. 4090022xxxx in RBL Bank in the name of a firm namely M/s Skinterprises, pertaining to accused Mukesh Yadav. Further, on the directions of accused Sujeet Kumar, the petitioner Puneet Kumar had handed over the documents of the said account as well as sim card to accused Chandra Shekhar. The petitioner had received Rs.50,000/- for the same to from accused Sujeet Kumar. However, the petitioner did not get recovered the said amount by saying that he has spent the money. The petitioner Puneet Kumar has got recovered the mobile phone “Vivo” used in the present crime. In the current account no. 409002xxxx (RBL Bank) the sim no. 98916xxxx was registered. On technical investigation, it came forth that the sim no. 95601xxxx was also used in the said account and the said sim no. 95601xxxx is in the name of Mukesh Yadav. In the said current account no. 4090022xxxxxx (RBL Bank), the amount of Rs 1,53,44,111/- was credited and out of the said amount, the amount of Rs.7,37,000/- are of the complainant.

10. That the evidence against the petitioner at this stage is that the petitioner has been named by co-accused Mukesh Yadav in his amended

disclosure statement. The amended disclosure statement of accused Mahesh Yadav is already attached herewith as Annexure R-2 for kind perusal of this Hon'ble Court. On checking the phone of the petitioner, some whats app chats regarding the accounts involved in the present case were found. The mobile phone of the petitioner will be sent to DITAC Gurugram for examination and retrieval of data."

REASONING:

8. The petitioner was arraigned as accused on the basis of disclosure statement of co-accused Mukesh Yadav and the said co-accused has already been granted the benefit of regular bail by the trial Court itself, as such, the petitioner is also entitled to bail on the ground of parity with said co-accused.
9. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 9 of the bail petition, the petitioner has been in custody since 27.04.2024. As per the custody certificate dated 04.03.2025, the petitioner's total custody in this FIR is 07 months and 08 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.
11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.
14. The petitioner shall abide by all statutory bond conditions and appear before the

concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.03.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.