



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5945-2025
Date of Decision: 06.02.2025

PAWAN KUMARPetitioner(s)

VERSUS

STATE OF HARYANARespondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Abhimanyu Singh, Advocate
Mr. Shekhar Thakur, Advocate
Ms. Pooja Kiran, Advocate and
Mr. Vikas Singh, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Pawan Kumar	205	19.07.2024	406, 420, 120-B, 506 of IPC and 12 of Chit Funds Act, 1982	Sadar Pehowa	Kurukshetra (Hry.)

2. Learned counsel for the petitioner *inter alia* contends that the allegations against the petitioner is of alluring the people to make investment with the Company i.e. BITFX.CO.COM, whereby, the



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investors would get double the amount within a short span of time. The total amount involved is Rs.3,00,00,000/-, and out of which, Rs.1,75,00,000/- has already been returned to the different investors and now, an amount of Rs.1,25,00,000/- is yet to be paid back to the investors.

Additionally, learned counsel submits that petitioner is not holding any responsible post in the company. At best, it can be said that he was earning some commission after alluring the people for investment in the said company. Rather, the persons, who invested their money in the said company through the petitioner/accused, have been compensated by him by selling his own properties.

3. Learned counsel also submits that the real culprits are the owners/directors of the company, who have already been declared 'proclaimed persons' and they have, rather, absconded outside India. Further submits that offences are also triable by the Court of Magistrate and after completion of investigation, final report under Section 173 Cr.P.C. has also been submitted to the Court of Area Magistrate and trial is yet to commence. Petitioner is inside jail since 16.08.2024, and there is no likelihood of the trial concluding in the near future, thus, further incarceration of the petitioner would not be of any use of the prosecution agency.

In addition, learned counsel also submits that one of the co-accused i.e. Rajesh Gujjar @ Rajesh Kumar (who is on the similar footings), has been granted concession of regular bail by this Court vide order dated **05.02.2025**, passed in **CRM-M-5572-2025**, titled as, "**Devanand v. State of Haryana**". Therefore, claiming parity, learned



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4. *Per contra*, while vehemently opposing the prayer of the petitioner, learned State counsel submits that the petitioner is involved in a serious matter, as the general public has been defrauded. As per the allegations, his complicity is evident, and the fact that the offences are triable by the Court of Magistrate, would also not be relevant, as per the gravity of the allegations. Therefore, petitioner does not deserves any leniency.

However, on being asked by the Court, learned State counsel also submits that after completion of investigation, final report under Section 173 Cr.P.C. has already been submitted, however, charges are yet to be framed. Thus, out of total 19 prosecution witnesses, none has been examined so far.

Besides, learned State counsel also verifies that the petitioner is not involved in any other case of similar nature.

5. I have heard learned counsel for the parties and gone through the record with their able assistance.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed here-in-above, I deem it appropriate to grant the concession of bail to the petitioner.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. Petition stands disposed of.

February 06, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No