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

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CRM-M-7808-2025 (O&M)

Date of decision: 04.04.2025

Sher Singh**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Punit Malik, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 274 dated 24.09.2024, registered under Sections 318(4) and 61(2) of Bharatiya Nyaya Sanhita, 2023 at Police Station Cyber Crime, Gurugram.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint lodged by complainant Uday Krishna Prasad alleging therein that on being invited, he joined a whatsapp group named as 'ABBOTT Bull Stock Academy' on 11.07.2024. After joining the same, the organizers of the group provided him a link to register and make investment in stock as per their instructions and during the period from 25.07.2024 to 12.09.2024, he had paid a sum of Rs. 1,47,52,334/-. However, when he asked to return the money, they blocked the registered link and removed him from the Whatsapp group.

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The complainant had mentioned the details of the payments made thereof in his complaint. After registration of the FIR, investigation proceedings were initiated. During the course of investigation, one Preeti was joined into investigation on 12.10.2024 and was released on police bail. During interrogation, she disclosed that one Aman had introduced him with co-accused Deepanshu Saraf, who was involved in cyber crimes. She had visited the office of aforesaid co-accused, where she met the present petitioner, who was working there. The present petitioner had taken her to a bank and got opened her bank account and had handed her over an amount of Rs. 10,000/-. On the basis of the same, the present petitioner was nominated in this case and was arrested on 12.10.2024. During interrogation, he admitted his involvement in the subject crime and got recovered an amount of Rs. 84,000/-. He also disclosed that an amount of Rs. 5 Lakhs was given to one Kamal Sachdeva, whereas an amount of Rs.10 Lakhs was given to one Sachin Goyal. After completion of necessary investigation and usual formalities, challan was presented in Court and presently, the present petitioner along with co-accused is facing trial for the aforementioned offences.

3. The present petition has been filed by the petitioner on the ground and his counsel has argued that he has been falsely implicated in this case. He is neither named in the FIR nor is there any specific allegation against him. He has been nominated in this case on the basis of the disclosure statement suffered by aforesaid co-accused, which is not admissible in evidence against him. The petitioner was only working as a peon in the office of Deepanshu. He was performing his official duties as per instructions of

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accused Deepanshu. No money has been transferred into his bank account or any other account of his family members. Recovery of ATM Card of co-accused Preeti and an amount of Rs.84,000/- was in fact planted upon him. Co-accused Preeti and Aman, against whom there were graver allegations, were not arrested as they were released on police bail. Investigation has since been completed and challan has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 12.10.2024. No useful purpose would be served by keeping the petitioner into custody anymore. Hence, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned Assistant Advocate General, Haryana has argued that there are serious allegations against the petitioner. He along with co-accused had cheated the complainant with a huge amount of money. Recovery of an amount of Rs. 84,000/-, which was the proceeds of crime, was effected from him. The trial is going on at a proper pace. The petitioner is involved in a similar case. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record carefully.

6. As per the allegations, the complainant was induced to join a Whatsapp group for the purpose of doing investments in stocks. On the said pretext, he was convinced to part with a huge amount of Rs. 1,47,52,334/- by investing through a web link. However, later on, the said link was made inactive and he was removed from the Whatsapp group. The name of the

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petitioner had surfaced in the disclosure statement of aforementioned co-accused with the allegations that he had taken her to a bank for the purpose of opening a bank account and had given her an amount of Rs. 10,000/-. Subsequently, recovery of an amount of Rs. 84,000/- has been effected. The allegations against the petitioner are quite serious. He has been involved along with the co-accused in duping innocent persons of their hard earned money on the pretext of enabling them to invest in some stocks with a lucrative offer of high yields. The petitioner has played active role in commission of subject crime. He is involved in one more case of similar nature. The apprehension expressed by learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the aforesaid facts and circumstances, the role attributed to the petitioner, his criminal antecedents and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be released on bail, at this stage. Hence, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

04.04.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No