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(223)

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

CRM-M-8320-2025

Date of Decision: 29.07.2025

AVINASH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ram Darshan Yadav, Advocate with
Mr. Surjit Singh Chaudhary, Advocate
for the petitioner.

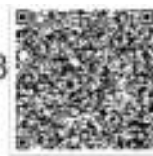
Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.328 dated 04.11.2024 registered under Sections 318(4), 319, 61(2) of BNS, 2023 and Section 66-D of IT Act at Police Station Cyber Crime (East), District Gurugram.

2. As per the case of the prosecution, the petitioner and his co-accused cheated the complainant and his family of lakhs of rupees. The role of the petitioner specifically is of selling the account details to accused Nikhil Rohatgi in which account Rs.55,22,217/- were credited.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The allegations against him are baseless. The co-accused of the petitioner have been granted the concession of bail. As the petitioner was in custody since 14.11.2024 but



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none of the 12 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel while referring to the reply dated 25.03.2025 contends that the petitioner is one of the accused and facilitated the commission of fraud by selling bank account details to the co-accused. In the said bank account Rs.55,22,217/- was credited. He has also got recovered the phone used in the offence along with the SIM cards. Keeping in view the nature of the offence which is apparently a case of cyber fraud, he is not entitled to the concession of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 14.11.2024 and that none of the 12 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since

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14.11.2024 and none of the 12 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Avinash S/o Virender Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

29.07.2025

JITESH

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