



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

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CRM-M No.9583 of 2025 (O & M)
Date of decision : 27.3.2025

Amit Bharumal Jain**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Bhaskar Sorout, Advocate, for the petitioner

Mr. Karan Garg, AAG, Haryana

Mr. Sanskar Dhanda, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.24 dated 18.6.2023, under Sections 419, 420, 467, 468, 471, 120-B of the IPC (Sections 467, 468 and 471 of IPC were added later on), registered at Police Station Cyber Crime, Palwal, District Palwal.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To SHO Cyber Crime Police Station Palwal Subject-For online money fraud, Sir the request is that I am Bhuvnesh Sharma son of late Anand Swaroop Sharma resident of Civil Line Palwal, application I for am giving this application for the online cyber fraud that happened with me. Sir just



a few days ago some people added me to a group on WHATSAPP and sent messages. The name of this group was "The Wine Group" Mainly a person known as Pushpa was working in it I was added to this group by this person and INVESTMENT PLAN told In about an which this person got deposited about 90000 rupees from me twice through UPI Money was taken from me in times For the first time I two was given SHREE TRADERS 162 UPI ID In this I was made to deposit Rs 55000 on 28052023 the second time they gave me another ID KALPANA 5940 PNB in which I was made to deposit Rs 35000 again when I asked them for the money back they again asked me for Rs 20000 So I understood that I have been cheated online Then I immediately thought that I should immediately inform the cyber police station for this so I have come to you for help please appropriate action against take these cyber fraudsters and get my money back from them Yours will be highly appreciated With thanks Bhuvnesh Sharma proceedings" 8708823535. Police proceedings'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.6.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question on account of mis-understanding. Learned counsel has further argued that there is no substantial material produced by the police with the challan so as to secure the conviction of the petitioner into the FIR in question. Learned counsel has further submitted that the mis-understanding between the petitioner and the complainant-side stands resolved and a compromise dated 13.9.2024 has also been entered into between the concerned parties. Thus, regular bail has been prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 26.3.2025



in Court, which is taken on record.

Learned counsel appearing for the complainant has ratified the aspect of the matter having been compromised between the petitioner and the complainant by virtue of a compromise dated 13.9.2024. In this view of the matter, learned counsel appearing for the complainant has no objection in case the petitioner is extended the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 19.6.2023 whereinafter investigation was carried out and challan was presented on 9.9.2023. Total 13 prosecution witnesses have been cited out of which only one has been examined till date. The rival contentions raised by learned counsel for the petitioner and the complainant regarding the merits of the case shall be essentially gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 26.3.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, nine months and eight days and the petitioner is not involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.



7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

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



- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

27.3.2025
Ashwani

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