



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

246

CRM-M-11975-2025 (O&M)

Date of decision: 21.04.2025

Ankit @ Ankit Ved

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

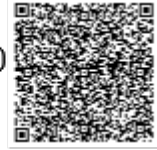
Present: Mr. A.S. Virk, Advocate
for Mr. Anirudh Singh Shera, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.207 dated 29.07.2024 registered under Sections 318(4), 61(2) of BNS, 2023 and Section 66-D of the Information Technology Act, at Police Station Cyber Crime East Gurugram, District Gurugram.

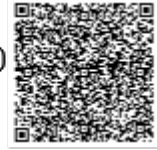
2. The brief facts of the case are that the complainant received a fraudulent call from someone posing as a FedEx customer care representative, claiming a parcel in his name was being sent from Mumbai to Iran containing illegal items, including expired passports, debit cards, laptop, toys and 450g of MDMA. The caller alleged an FIR had been registered under a fabricated reference number and that the complainant's Aadhar ID was misused and linked to a money laundering case. Under the pretext of helping him to obtain a police clearance



certificate, the fraudsters convinced the complainant to transfer all funds from his two HDFC accounts to his ICICI account, and then to two external bank accounts for so-called verification. A total of ₹16,15,708/- was transferred across 18 transactions, resulting in a significant financial loss to the complainant. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR nor any overt act has been attributed to the petitioner by the investigating officer while presenting the final report. The main accused has committed a cyber fraud with the complainant and out of 18 transactions allegedly made by the complainant, the petitioner has received Rs.50,000/- in his bank account. He further submits that the petitioner himself is the victim of the crime and his bank account has been misused by the main accused. Further the petitioner is having clean antecedents and is not involved in any other case and the investigating agency has already concluded the investigation and presented the final report. He also contends that the maximum sentence under which the FIR(supra) has been registered is punishable upto 07 years and the case is trial by the learned Magistrate.

4. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the complicity of the petitioner is duly proved and Rs.50,000/- has been credited in the bank account of the petitioner and as such, he is not



entitled for any relief, however, he could not controvert the fact that the petitioner is not involved in any other case.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 04 months and 12 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress.

6. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI", (2022) 10 SCC 51***, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."



7. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Ankit @ Ankit Ved is ordered to be released on regular bail during pendency of the trial, on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

21.04.2025
yakub

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