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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-16933-2024
Date of decision:-16.01.2025

ANKIT SHARMA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Jaiveer Singh Malik, Advocate, for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Arun Swami, Advocate for the complainant

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case :-

FIR No.	Dated	Sections	Police Station
023	22.09.2023	419, 420, 467, 468, 471 and 120-B IPC	Cyber Crime Bhiwani, District Bhiwani

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the instant FIR has been got registered against the petitioner as a counter blast of the application moved by him to the police. He contends



that petitioner had never induced the complainant for investment of money but it was done at his own. He contends that amount of ₹14,65,000/- has already been returned to the complainant by the petitioner out of ₹45,30,000/- and ₹3,10,000/- has been recovered by the police from him. The petitioner is in custody since 26.10.2023, after completion of investigation, challan has already been presented in Court, as such, the petitioner is no more required for further investigation. The Prosecution has cited 24 witnesses and none of them have been examined till date and it will take sufficient long time for the conclusion of the trial. Hence he prays for grant of regular bail to the petitioner.

4. *On the other hand*, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State have opposed the bail petition by arguing that the petitioner has induced the complainant to invest money and earn 25-30% of profit. No doubt he had returned ₹14,65,000/- and another ₹3,10,000/- has been recovered from him but still amount of ₹9,55,000/- remains pending. They submit that the petitioner is not entitled to concession of bail, considering the gravity of offence and prayed for dismissal of the petition.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered by the complainant stating that he had acquaintance with one Mukesh through his friend Akash who had introduced him in December 2022 to his friend Ankit Sharma i.e. the present petitioner. As per the allegations, in March 2023 the petitioner representing himself to be Senior Manager in Kingfisher Company induced him to invest



money so as to get 25-30% profit. Accordingly, the complainant invested amount on different occasions but the promised return was not paid, hence the FIR was registered and petitioner was arrested on 26.10.2023 and during investigation complainant had informed that amount of ₹14,65,000/- has been returned to him and ₹3,10,000/- has been recovered from the petitioner. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 24 witnesses and till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case triable by the Court of Magistrate will take sufficient long time.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

16.01.2025

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No

Yes/No