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

**CRM-M-15696-2025**
**Reserved on: 02.05.2025**
**Pronounced on: 08.05.2025**

Hasnain Haider ...Petitioner

Versus

State of U.T. Chandigarh …Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Shakti Mehta, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh with
Mr. Navjit Singh, Advocate
for the respondent-UT Chandigarh.

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**ANOOP CHITKARA, J.**

| FIR No. | Dated | Police Station | Sections |
|---|---|---|---|
| 109 | 22.11.2024 | Cyber Crime, Chandigarh | 319(2), 318(4), 338 (deleted later on), 338(3) (added later on), 336(3) (deleted later on), 340(2), 61(2) of BNS |

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

> *"4. That the brief facts of the case are that the instant FIR was registered on the basis of the complaint of the Harinath Singh alleging therein that complainant received a call from No.92709-xxxx on his mobile number 96717xxxx on 2nd October. The caller told him that a SIM card has been issued in Mumbai on his Aadhar Card and several frauds have been committed through that mobile number. It was further told that 07 complainants and one FIR were registered against him and his all-mobile phones would be deactivated within two hours. If he wants that his number would not be blocked, then he shall call to Mumbai Police. Thereafter, the above said persons connected the complainant with Mumbai Police. Mumbai police told him that his name is linked to*

*Naresh Goyal money laundering and his bank account is opened in Canara Bank, and transactions of Rs.6.80 crore have taken place in it. For this he had taken 10% commission of Rs.6,80,000/-. Thereafter, they made complainant to talk CBI officer on No.89262-xxxx. They threatened the complainant for arrest due to which he got frightened. Then, they told him that if he co-operate with them, then they would keep him on video call from home. He was advised not to tell about this to his family members, otherwise, he would be kept in jail for two years. It is further alleged by the complainant that due to fear, he did not reveal anything to anybody and remained on video call continuously. Alleged Mumbai police then asked him to check his assets in FD's, Bank Balance, Share Market, Mutual Funds etc. and to transfer his money to RBI. RBI will investigate whether your money is related to Naresh Goyal money laundering case or not. If nothing comes out then he will get the money. Accordingly, the complainant was forced to deposit Rs.51,27,999/- in different accounts through RTGS/UPI/Net Banking. However, later on, he came to know that a fraud was committed with him. Thereafter, the complainant moved a complaint for taking legal action against the accused persons."*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

*"**ROLE OF THE PETITIONER & INCRIMINATING EVIDENCE:-***

*6. That the during the course of investigation, CAF and CDR of calling no.98709xxxx was obtained and it was found that the call received on the complainant's mobile number was a virtual call. IP logs was also obtained from WhatsApp and as per IP provided by the WhatsApp it belongs to Cambodia, KYC and statement of beneficiary bank account was obtained and it was found that in the first lawyer of transaction the fraud amount of Rs.1,50,000/- was transferred from complainant's account bearing no.017401xxxxx of ICICI bank to the account bearing no.1981010xxxxx of Federal Bank registered in the name of present petitioner Hasnain Haider. Thereafter, the present petitioner transferred Rs.3,65000/-lacs (which includes Rs. 1,50,000/- deposited by the complainant) into the account bearing no.10195xxxx of IDFC First Bank registered in the name of co-*

*accused Abhishek Kumar. Thereafter, co-accused Abhishek Kumar had withdrawn an amount of Rs.3,65,000/- through cheque from his above said account and handed over to Co-accused Bandhan Kumar.*

*7. That further investigation it was found that the account bearing no.101955xxxx of IDFC First Bank registered in the name of co-accused Abhishek Kumar. It was found that the co-accused Bandhan Kumar mentioned his address i.e. House no.303 C. HCBS Sport Ville Apartment Sohna, near KR Mangalam, West Delhi-122103 in the opening form of bank account.*

*8. That the co-accused Abhishek Kumar S/o Dayanand Gupta, was arrested from near KR Mangalam University, Sohna Road, Gurugram, Haryana and mobile No. 95460xxxx which was registered with bank account of IDFC First Bank in which alleged amount was transferred was recovered along with mobile phone make Realme 8s 5G from his possession. Co-accused Abhishek Kumar disclosed that he opened the said bank account in IDFC First Bank on the instructions of co-accused Bandhan Kumar and he was getting commission on every transaction made in the above said Bank account.*

*9. That the co-accused Bandhan Kumar was arrested on the disclosure of co-accused Abhishek Kumar on 24.12.2024 from HCBS Sport Ville Apartment near KR Mangalam, Sohna, Gurugram, Haryana and cheque book of A/c No. 101955xxxx of IDFC First Bank (which was used in the alleged crime) and one mobile phone along with two SIM cards bearing no.79825xxxx and no.95405xxxxx had been recovered from the possession of co-accused Bandhan Kumar. It is further submitted that co-accused Bandhan Kumar disclosed that after withdrawal of money he used to keep his 10% share and gave the balance amount to one of his friends who used to meet him at Sohana Road, Gurugram.*

***RECOVERY FROM PRESENT PETITIONER:-***

*10. That on 24.01.2025, present petitioner Hasnain Haider S/o Chandu Rizwi was arrested from Husainabad, Lucknow and one mobile phone make I-Phone 13 along with SIM No.63886xxxx (used in alleged crime) was recovered. The present petitioner Hasnain Haider further disclosed that he opened the saving bank account no. 198101xxxxx in Federal Bank on the direction of Hamza Harmain and Mohd. Asad. It is the same account in which fraud amount Rs. 1,50,000/- was received in 1st layer, directly from complainant/ victim. He further disclosed that he handed over the account KYC and bank account Kit to Hamza Harmain and Mohd. Asad and he get 5% commission in cash on every transaction from Hamza Harmain and Mohd. Asad and on the present transaction he had*

> *received Rs.8,000/- in cash from Hamza Harmain and Mohd. Asad. He knows the address of the person to whom he gave the bank account kit namely Hamza Harmain and Mohd. Asad. During the course of further investigation co-accused Hamza Harmain and co-accused Mohd. Asad was arrested on 02.02.2025. It was disclosed by them that one person namely Ruman Khan is the main person, and he gets all the work done and he gives us Rs.2,000/- each for handing him each bank kit. They further disclosed that the Bank account Kit of account no.19810100xxxxx of Federal Bank (used in alleged crime) has been handed over to their associate Ruman Khan resident of Habibpur Sekhpur, near IRM School, Raj-ji Puram, Lucknow (UP). It is pertinent to mention here that police party including lady police had raided at the house of co-accused Ruman Khan on his resident address as mentioned above and the said accused was not found present there. On further interrogation they disclosed that their mobile phones were taken for scrutiny by Cyber Crime police West Delhi as their involvement was suspicious in case FIR No.74/2024 PS Cyber West-Delhi. For obtaining the said mobile phones Chandigarh police had written to Cyber Crime West-Delhi Police and we are yet to receive the same.*
>
> *11. That it is important to mention here that total 05 accused have been arrested FIR and investigation was complete qua the above said arrested accused and challan was presented on 24.03.2025. The investigation of qua the other accused persons who are involved in the alleged crime are still going on. As such, if the concession of bail is granted to the petitioner there is every likelihood that he may hamper the investigation and temper the evidence."*

**REASONING:**

7. Investigation of the case is over, trial will take long time to conclude. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 7 of the bail petition, the petitioner has been in custody since 27.01.2025. As per the custody certificate dated 28.04.2025, the petitioner's total custody in this FIR is 03 months and 02 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

| | | |
|---|---|---|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

*13.* ***This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.***

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)**
**JUDGE**

**08.05.2025**
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.