

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

322

CRM-M-17927-2025
Date of decision: 30.04.2025

NEERAJ KUMAR....Petitioner

Versus

STATE OF HARYANA...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Pragyat Bhardwaj, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

SANJAY VASHISTH. J.(Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Neeraj Kumar	87	23.10.2024	204, 318(4), 319 and 351 (3) OF BNS (Sections 61(2), 338, 336(2), 340 (2) and 308 (6) and offence under Section 66D of the IT Act was added later on)	Cyber Crime	Palwal



- 2-

2. There are total 11 accused and complainant Anil Kumar who got lodged the FIR by submitting that he received several Whatsapp calls and the callers were introducing themselves as official from CBI, who informed that petitioner has opened several bank accounts and is involved in anti-national activities, as he is dealing in the activities of money laundering. The person concerned was on video call, who threatened the complainant to not to cut the call or to talk to anyone, otherwise he would be sent behind the bars for 07 years. Getting apprehensive and afraid of arrest of his own and of his parents, an amount of Rs.88 lacs was transferred by him from his bank account through RTGS mode. Again the complainant received a video call and by further blackmailing him demanded a sum of Rs.15 lacs. Subsequent to the transfer of the amount, petitioner acknowledged the fact that he was subjected to cyber arrest scam.

3. Counsel submits that after registration of FIR, the investigation was completed and thereupon, final report has been submitted *qua* 11 of the accused and 03 of them namely **Sachin Upadhyay, Yash Dubey** and **Manoj Lohar** have been granted regular bail, as the complainant had settled his dispute *qua* those accused. Referring to the bail order dated 20.02.2025 passed by learned Sessions Judge, Palwal, in the bail application of Sachin Upadhyay, counsel argues that on account of receiving an amount of Rs.5 lacs complainant expressed his no objection for releasing the said co-accused Sachin Upadhyay on bail.

4. Counsel further realise upon the order dated 20.02.2025, in regard to co-accused Yash Dubey, with whom complainant also compromised the matter, after accepting Rs.5 lacs and accordingly he was released on bail. Similarly as per bail order dated 20.02.2025 another co-accused Manoj Lohan *qua* whom also



- 3-

there was an allegation by prosecution after that he shared the profit of Rs.5 lacs, and he has also been granted bail on account of settlement with the complainant. Thus, counsel argues that the accused who have already been released on bail, there was direct evidence against them, whereas, there is no direct evidence against the petitioner except, his one visit to Cambodia. Even as per the case of prosecution, after being arrested, there was recovery of only Rs.50,000/- from the petitioner, apart 05 mobile sim-cards.

5. Counsel argues that this is not even the case of the prosecution that any of the recovered mobile sim-cards, was ever used by the petitioner for making call/whatsapp call to the complainant, therefore, it cannot be assumed that there is any direct evidence against the petitioner, connecting him with the offence in question. Counsel further proposes that petitioner is ready to deposit a sum of Rs.5 lacs before the learned trial Court, subject to the final decision of the case, however, he does not want to enter into any kind of settlement with the complainant, as the petitioner is not involved in the crime.

6. Status report dated 25.04.2025 by way of an affidavit of Mr. Shubham Singh, IPS, Additional Superintendent of Police, Palwal, District Palwal has been filed on behalf of learned State counsel. The same is taken on record.

7. Learned counsel for the respondent-State submits that the offence is a serious one, as the petitioner is an active member of the gang, who are involved in duping the people by projecting digital arrest and thereby blackmailing the person under the money greed.

8. Counsel for the complainant also opposes the submissions addressed by the petitioner and submits that in case the petitioner is released on bail he



- 4-

would again get involved in similar activities and his release may be detrimental to the interest of public in general.

9. Considering the submissions addressed by both the sides and the fact that investigation *qua* 11 of the accused including the petitioner is complete and the final report thereupon, has also been submitted; offences are trial-able by the Court of Magistrate; and the fact that other three accused have already been granted bail; and petitioner has also proposed to deposit an amount of Rs.5 lacs before the trial Court, subject to the final decision of the case; I deem it appropriate to grant the concession of bail to the petitioner.

10. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. However, the said concession of bail would be available to the petitioner, subject to the depositing of an amount of Rs.5 lacs in the form of FDR from a nationalized bank and for getting the same renewed from time to time would also be the responsibility entirely of petitioner.

12. Original Copy of the FDR would be retained by the Court under the endorsement of the bank.

13. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

14. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.



15. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.
16. Petition stands disposed of.

30.04.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No