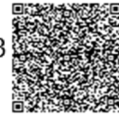


**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

2025:PHHC:126798



CRM-M-18905-2025 (O&M)
Reserved on : 05.09.2025
Pronounced on : 15.09.2025

Rajesh Saini**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ajay Ghangas, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for for grant of regular bail to him in case bearing FIR No. 198 dated 25.07.2024, registered under Section 318(4) of BNS, 2023 (Section 61 of BNS, 2023 and Section 66D of the Information Technology Act, 2008 added later on) at Police Station Cyber West, Gurugram. The previous petition was dismissed as withdrawn on 12.03.2025.

2. The aforementioned FIR was registered on the basis of a complaint moved by Vijay Kumar Gupta, alleging that in June, 2024, he was added in a Whatsapp group named as “Wealth Growth Association”. The administrator of that group also added him in another group named as “VIP5”. They represented that they were guiding for investments in IPOs, share trading and represented to the complainant that they could get his money invested and he could receive profits to the extent of 10-20% by buying shares

at cheap prices. They allured the complainant and created different IDs for him showing trade accounts. They also represented to him that they would give him an account number and he had to transfer money into the same and he would be able to see the details of the profits earned by him on his investment. On being induced by them, the complainant invested cash amount of Rs.33,05,000/- by getting the same withdrawn from the bank accounts of his wife and him and the said money was got transferred to eight different bank accounts given to him during the period from 28.06.2024 to 08.07.2024. However, when he asked the investors for withdrawal of the money, instead of doing so, they started making excuses and he was even blocked from the said Whatsapp group. Having realized that he had been cheated, he had prayed for taking action.

3. After registration of the FIR, investigation proceedings were initiated. The investigation revealed that the money of the complainant had been transferred to eight different beneficiaries' bank accounts. One of such accounts was in the name of Kirti Associates through the present petitioner and a sum of Rs.7,30,000/- had been frozen. The remaining beneficiary accounts were also got frozen. The Investigating agency could get transferred a sum of Rs.23,96,748/- in the bank account of the complainant. During the course of investigation, some of the holders of the those bank accounts including the petitioner were asked to join investigation. Since the petitioner did not join, he was apprehended on 04.12.2024. He was interrogated and admitted his involvement in commission of the subject crime and also took name of the co-accused Sandeep Sharma . He was formally arrested. Some other persons were also nominated as additional accused and some of them

were arrested. Investigation now stands completed qua petitioner and he along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 04.12.2024. He has clean antecedents. No recovery has been effected from him. No prosecution witness has been examined so far. Co-accused Sandeep Sharma has been extended benefit of bail. On parity, he too deserves to be given the same benefit. His further incarceration would not serve any useful purpose. The ingredients for commission of offence punishable under Section 318(4) of BNS, 2023 are not attracted against him. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has been filed. While refuting the contention as raised by the petitioner's counsel, learned counsel for the State has argued that the petitioner in connivance with the co-accused had caused wrongful loss to the tune of huge amount of money. He has been involved in serious cyber fraud. There are chances of his influencing the witnesses or absconding, if extended the benefit of bail. It is, therefore, requested that the petition does not deserves to be allowed.

6. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

7. The petitioner is in custody since 04.12.2024. No prosecution witness has been examined so far. Taking into consideration the clean antecedents of the petitioner, the period spent by him in custody, the part attributed to him and the attended facts and circumstances, I am of the considered opinion that a case for grant of bail has been made out in favour of the petitioner. Accordingly, the petition is allowed. The petitioner is ordered

to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

15.09.2024	(MANISHA BATRA)
Waseem Ansari	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No