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2025:PHHC:046804



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19004-2025
DECIDED ON: 05.04.2025

SIKANDER KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pankaj Garg, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., (now Section 482 BNSS, 2023) for grant of anticipatory bail to the petitioner in FIR No.27, dated 13.02.2025, under Section 318(4) of BNS, registered at Police Station Cyber Crime, District Panipat.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

"The contents of the complaint are that: To, The Station House Officer, Police Station Cyber Crime Police Station Panipat. Sir, I, Gautam son of Surender Kumar resident of Bharat Nagar, Tehsil Camp, Near Puran Doctor's Shop, Panipat. I am doing the business of online bed sheets. In the month of November, 2024, I saw an 'app' on Instagram, wherein an offer was made to make the money double. Thereafter, I downloaded the aforesaid 'app' and approximately deposited an amount of Rs.5,57,000/- in the account of No.5010030218439, from my account No.110222509034, maintained with Canara Bank, 0547309420, maintained with Kotak Mahindra Bank and A/c No.43545781518, maintained with State Bank of India. Later on, I came to know that I have been defrauded worth

Rs.5,57,000/-. Please take legal action in the matter. Sd/- Gautam. Applicant: Gautam son of Surender Kumar, resident of Bhagat Nagar, Tehsil Camp, Panipat, Mobile No.8950117669, 8950837669. Today, on receipt of the aforesaid complaint at the police station, FIR No.27 dated 13.02.2025, was registered at Police Station Cyber Crime Police Station Panipat, under Section 318(4) of the BNS. Computerized copies of the FIR was prepared and the copy of file police along with copy of FIR would be handed over to ASI, Ranbir No.78. The copy of FIR shall also be sent to the Illaqa Magistrate and Officers through email. Sir, the FIR has been registered in the presence of P/SI Deepak Dahiya.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused namely Jitender @ Kaku and Vaibhav, who have been granted the concession of regular bail vide orders dated 13.03.2025 and 10.03.2025 (Annexures P-3 & P-4) passed by the Court below. He undertakes before this Court that the petitioner is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner is the main accused working in connivance with some foreign elements, whereas the co-accused Vaibhav and Jitender are only handlers and there may be many more handlers working for the petitioner, therefore, his custodial interrogation is required.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that while investing the money the complainant is equally responsible for the alleged offence as he tried to get his money doubled by illegal means. Moreover, the State could not

put forth any incriminating material to connect the petitioner with the alleged commissioning of offence, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a

period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

05.04.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>