

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-19613-2025  
Reserved on: 01.10.2025  
Pronounced on: 31.10.2025

Rahul ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kanishk Swaroop, Advocate  
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.  
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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                 | Sections                                                         |
|---------|------------|--------------------------------|------------------------------------------------------------------|
| 253     | 11.09.2024 | Cyber Crime, District Gurugram | 318(4) BNS (Section 61 of BNS and 66-D of IT Act added later on) |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 8 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*"To SHO, Cyber Crime, Gurugram, Respected Sir, This is to bring into your kind information that I 'ASHWANI NARNOLI working as additional Director for the Company my Loan Care Ventures Pvt Ltd. Our Company deals in loan and is working as an NBFC. Our Company Account No. Is 184305000061 (Current Account) ICICI Bank linked Mobile no. 9540422277 which is being under my control and Profession. On 2nd September, 2024 in 23 transaction a total amount of INR 45,50,000/- was deducted from my company Account, I do not know how it happened and I though that now unknown fraudster with the objective of hacking consent cheated me of INR without my 45,50,000/- This is a cyber crime case some unknown person/fraudster was intrude in our banking system or phone involved and have done the payment of INR 45.5 lacs. sd/-Ashwani 954042XXXX Add C-27/A, Sadh Nagar, Street No. 9 Palam Colony, New Delhi Present Address Director my loan care ventures Pvt. Ltd Sector 44 Gurugram."*

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

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

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

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

*"11. That as per investigation, the petitioner had played active role in the commission of present crime. His complicity had surfaced in the disclosure statement of the co accused Gulab. He had Gulab approached Singh and had told the accused him that knew people who were involved in he cyber fraud, who needed bank accounts to facilitate.*

*12. That as per investigation, the petitioner is a middleman who has been found to be involved them to the for bank accounts in procuring commission of cybercrime and further sell the criminals. He targets the financially poor persons and approaches them to facilitate him with their bank account kit and the registered mobile in lieu of money. The petitioner had actively participated in the commission of present crime and he is yet to be associated with the investigation and the recovery of the duped money of the complainant is yet to effected from him. The investigation has revealed that the petitioner had been in active communication with arrested accused Gulab Singh, in whose account, Rs.7,50,000/- out of the duped had been found to have been transferred, out of the total duped amount of Rs. 45,50,000/-. The transaction records show that the petitioner had transferred an amount of Rs.21,000/- to Gulab Singh in 5 amount transactions using UPI mode."*

8. Per status report, petitioner is only a middleman and helped the main accused and provided him bank accounts to transfer the duped amount and no amount is directly transferred in the account of the petitioner, as such petitioner is solely on disclosure statement and is entitled to bail.

9. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged

criminal.<sup>1</sup>Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.<sup>2</sup> Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.<sup>3</sup>

11. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further custodial interrogation or the pre-trial incarceration at this stage. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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

13. 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)                                                                                                             |  |

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

15. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language,

<sup>1</sup> Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

<sup>2</sup> Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

<sup>3</sup> Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

inhuman treatment, etc.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

20. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

21. 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.

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

(ANOOP CHITKARA)  
JUDGE

31.10.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.