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

CRM-M-24111-2025

Date of Decision:20.05.2025

NAYAK RAHUL KUMAR ALIAS YASHPAL

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Lalit Singla, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, Deputy, A.G., Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.0003 dated 18.09.2024, registered under Sections 316(5), 318(2), 61(2) of BNS, 2023 (offence under Section 318(2) was added and thereafter deleted and offence under Section 318(4) was added later on), Police Station Cyber Crime, District Fazilka.

2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been arrayed subsequently as an accused, without any legally admissible evidence. He further contends that on 01.11.2024, Ankit



Rawal was nominated as an accused in the present case and he was arrested on 24.11.2024. During interrogation, Ankit Rawal had revealed that on getting the information from Kanti Bhai @ Kamu Bhai, about the amount received in the bank account of the petitioner, he used to withdraw the amount immediately and used to hand over the same further to Kanti Bhai @ Kamu Bhai. The petitioner was only paid a sum of Rs.10,000/- per month against a withdrawal of Rs. 1,00,000/- by Kanti Bhai @ Kamu Bhai. He further contends that the petitioner was wrongly arrested in the present case on 27.10.2024 and is in custody since then. He further submits that in fact the petitioner had never contacted the complainant through the trading app or on his mobile phone. Even he never received any profit from the share trade as alleged in the FIR. Since the prosecution has not been able to examine even a single witness so far, his further custody will not serve any useful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner. and he does not deserve the concession of bail by this Court. However, he admits that there is no other case against the petitioner.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. The petitioner is stated to be in custody for the last 07 months and challan has already been presented against him,. Moreover, no witness has been examined by the prosecution so far. Even, there is no material to indicate that the petitioner is in a position to influence the witnesses of the prosecution.



6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to 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, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two solvent sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him



shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

20.05.2025
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(N.S. SHEKHAWAT)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No