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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.25159 of 2025
Date of Decision: 28.07.2025
Reserved on: 18.07.2025

Sharwan @ Kakku ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
82	04.10.2024	Cyber Crime, Sonapat, District Sonapat	308(5), 318(4), 319, 336(3), 338, 340 and 61 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a

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written complaint submitted by the complainant Ms. Indrani Bhattacharjee alleging that on 01.10.2024, she received a call on her cell phone. The caller told him that a credit card had been got issued in her name in Mumbai in July 2024 and she was advised to raise cyber crime alert with Mumbai police. She was then connected over with Whatsapp on video call with another person who was in police uniform and who disclosed that her Aadhar Card was linked with some money laundering and she could face immediate arrest. She was then threatened that she had acted against the national security and warrants from Supreme Court of India had been issued against her. The callers then induced her to part with a sum of Rs.6,85,000/- by getting the same transferred in two different bank accounts under the threat that otherwise she would be arrested. All this was done in span of three days by keeping her in digital arrest and by exerting pressure. Having realized that she was cheated, she prayed for taking action.

3. After registration of FIR, investigation proceedings were initiated. The record of bank account of the complainant and of the bank accounts in which money from her was got transferred was obtained and checked. It was found that money had been transferred in two bank accounts relating to Gujarat. The recording of the mobile phone numbers through which calls had been received by the complainant had also been obtained. The petitioner along with some other co-accused was nominated as such. He was arrested on 27.10.2024. On interrogation, he suffered disclosure

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statement admitting his involvement in the crime by further disclosing that he was member of a gang operated by one person named as Charlie who was resident of China. They were operating through Telegram App. He was getting Rs.1 lakh as commission in lieu of getting opened bank account in the name of some of his acquaintances. He used to arrange opening of different bank accounts and get them operated and was receiving money in lieu thereof. He also got recovered two mobile phones. Investigation now stands completed and challan qua the petitioner and some other accused has been presented before the trial Court.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 27.10.2024. Investigation stands completed. Trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. The subject offences are triable by Magistrate. His family had made payment of an amount of Rs.3 lakhs to the complainant and complainant had entered into a compromise with him. She has even made a statement Annexure P-2 before the trial Magistrate to the effect that she has no objection if the petitioner is extended benefit of bail. He does not have any criminal antecedents. With these broad submissions, it is urged that he deserves to be released on bail.

5. Status report has been filed. Learned Assistant Advocate General, Haryana has argued that the allegations against the petitioner are

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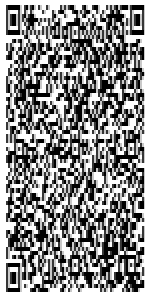


grave in nature. There are chances of his absconding or committing similar offences if extended benefit of bail. It is, therefore, argued that he does not deserve to be released on bail.

6. This Court has considered the rival submissions.

7. The petitioner in connivance with the co-accused is alleged to have duped the complainant of a sum of Rs.6,85,000/- by keeping her under digital arrest and by extending threats of her being arrested and making inducements. The stand taken by him is that his family had made payment of a sum of Rs.3 lakhs to the complainant. Copy of statement recorded by the complainant in this regard has also been placed on record as Annexure P-2. However, keeping in view the nature of the allegations as levelled against the petitioner, the fact that the petitioner has remained a part of a gang whose kingpin has not yet been arrested coupled with the fact that it is a classic case of cyber arrest thereby causing wrongful loss to the complainant and her hard earned money, the growing tendency of such like cases which are crimes against society at large as well, this Court is of the considered opinion that irrespective of the fact that some money of the complainant has been returned by the petitioner and she had turned hostile, cannot be considered to be a ground for extending benefit of bail to the petitioner. Petitioner has been connected in this case on the basis of scientific investigation and telephone record. Due to resiling by the complainant, the allegations as levelled against him do not falsify. The apprehension

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expressed by the respondent-State that the petitioner may indulge in similar offences or may abscond cannot be stated to be unfounded at this stage. In view of this discussion, this Court is inclined to hold that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

28.07.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No