



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

222

CRM-M-28603-2025

Date of decision: 4th July, 2025

Parveen Kumar @ Ankit Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 49 dated 03.04.2024 registered under Sections 420, 467, 468, 474 and 120-B of IPC and Section 66-D of Information Technology Act, at Police Station Cyber Crime, NIT Faridabad, District Faridabad.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on a complaint lodged by Manoranjan Tripathy, alleging therein that in February, 2024, he had joined a *WhatsApp* group. One person, who disclosed his name as Rahul Sharma, was managing this group and used to provide stock market tips. He persuaded the complainant to join one institution under the name of SMCLE on the pretext of doing institutional trading. On watching the activities of



some members of the group, who were showing images of transfers of funds in the said group. The complainant was induced to join the SMCLE institution through an App provided to him. He was made to deposit an amount of Rs. 38,00,000/- which he had arranged by borrowing from his friend. However, when he applied for withdrawal of the same, he realized that he had been duped of his money.

3. After registration of FIR, investigation proceedings were initiated. The details of the bank account in which money was transferred from the complainant had been collected and accused Varun Thakur was nominated as such. He was arrested on 09.05.2024. He suffered a disclosure statement to the effect that he had given his bank account to co-accused Shambhu Chaudhary and had obtained a sum of Rs. 10,000/- in lieu thereof. Accused Shambhu Chaudhary was arrested on the same day and in pursuance of his disclosure statement, co-accused Durga Shankar Meghawal @ Suraj Rathore was nominated as an accused. Offence under Section 120-B of IPC was added. Another accused, namely Vikram Pal Yadav was arrested on 15.05.2024. Accused Durga Shankar Meghawal @ Suraj Rathore and Vikram Pal Yadav suffered disclosure statements to the effect that the bank details of the account of firm of Varun Thakur had been given to the petitioner and they had obtained commission of 1.5% out of the duped amount, the present petitioner was nominated as such. Offences under sections 467, 468 and 474 of IPC were added.

4. The present petitioner was arrested on 25.05.2024. He too suffered a disclosure statement that in connivance with one person who had come into his contact through Facebook, he had persuaded Durga Shankar



Meghawal @ Suraj Rathore to give details of his bank account. He used to receive 1.2% commission on the amount transferred in such account and after sharing some of the commission amount with Durga Shankar Meghwal, he used to keep the remaining amount of money out of the defrauded amount with him. He also disclosed that through *Telegram App*, he had come into contact with some persons of Chinese origin, who used to give him commission for providing bank account details of certain persons. Some other co-accused were subsequently arrested. Investigation now stands completed.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. There is no material to show that he had any contact with any citizen of China. He is a poor labourer. He has no criminal antecedents. No money was transferred in his bank account nor did he receive the same. The amount of Rs 3,00,000/- transferred from the account of the complainant to the bank account of the firm of Varun Thakur, was not received by him, and it was co-accused Shambhu Choudhury, who had shared it with the other accused. He has been in custody since long. His further incarceration would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

6. *Per Contra*, it is argued by learned State counsel that it was the petitioner, who had obtained the kit and SIM card of mobile number, which was found registered in the account of Aayushi Enterprises. The same bank account had been used for the purpose of transfer of some of the money



taken from the complainant. The petitioner used the SIM card of his mobile phone for the purpose of said transfers as per the directions of cyber fraudsters originating from China. He had been receiving commission from the fraudsters and was fully involved in the cyber crime. There are chances of his absconding if extended benefit of bail. Therefore, it is argued that he does not deserve to be released on bail.

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

8. The petitioner, in connivance with the co-accused, is alleged to have hatched a conspiracy to dupe the complainant of a huge amount of money. In pursuance of the said conspiracy, which was hatched with the co-accused and some persons of Chinese origin, the petitioner had used his own SIM card and obtained the bank account kit of the other co-accused, which was used by him and the co-accused for transfer of the money belonging to the complainant. The said amount had been subsequently given to the Chinese fraudsters and the petitioner received commission in return. The petitioner is in custody since 21.05.2024. Challan qua him stands presented. Trial is likely to take time to conclude. The petitioner has clean antecedents. It is well-settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of subject offence and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial



Magistrate/ Duty Magistrate concerned.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th July, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |