

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29414-2025
Reserved on: 02.07.2025
Pronounced on: 29.07.2025

Vikas Sharma ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Maneesh Bali, Advocate,
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

Mr. Pankaj Garg, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
03	24.03.2025	Cyber Crime, District Mansa	318(4), 319(2), 61(2), 336(2), 336(3), 338, 340(2) of BNS and Section 66(d) of IT Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from para 10 of the status report filed by the State, which reads as follows:

“From the investigation of present case/FIR, it was found that all the accused persons used to commit cheating with the innocent persons by alluring them to install towers of their co. in their premises and used to offer handsome guaranteed onetime payment along with monthly rent and job to 02 family members @ Rs.20,000/- per month each and in lieu of which on the pretext of formalities accused persons used to get deposit amount from the customers/innocent public in the bank account of their Co. Later on, after getting the amount deposited accused Pankaj Gulati and Petitioner Vikas Sharma used to withdraw the amount from the said accounts of the Co. through ATM Cards etc. As per investigation proceedings, the ATM of bank account no. 07501000xxxx, of Punjab and Sind Bank, Branch Karnal, maintained by accused Pankaj Gulati was found in use by petitioner Vikas Sharma for withdrawing the cheating amount of Rs.16,75,910/-credited in the said account. This fact is duly

verified from the CCTV footage(s) of various ATM(s) including the CCTV footage of ATM Machine of Canara Bank, New Grain Market, Karnal and Bank of Maharastra, Karnal. Apart from this mobile phone no.99913xxxx issued in the name of the petitioner was found to be under use by accused Pankaj Gulati. Moreover, petitioner was found using the bank account of her wife Ritu Sharma having bank account no. 1100731xxxx maintained with Canara Bank, Branch Karnal for transferring money to the co-accused persons. Further from the bank account transaction details financial transactions were found to be taken place between the Petitioner and accused persons namely Pankaj Gulati, Ravi Gulati, Mukesh Garg @ Rishu and Janmejay Kushwaha. It was also verified that the mobile number given in advertisement i.e. 99914-xxxx and used for calling the customers, was found to be under operation in mobile phone Nokia HMD got recovered by the petitioner, on his demarcation, as per his disclosure statement. Similarly, mobile no. 96535-xxxx used for calling the customers was found to be the working in Samsung GT-E1200T, which was got recovered by the petitioner. Moreover, financial transactions were found exchanged between the petitioners and rest of the accused persons from their personal bank accounts, which duly links the accused persons with each other. It was further ascertained that the petitioner Vikas Sharma is a king pin of the present case/FIR, as he was in touch with all the accused persons via mobile phone calls, which is evident from CDR's. As such, petitioner has played an active role in the commission of offence. Hence, the petitioner was rightly nominated as accused in the present case/FIR, on the basis of strict, cogent and unimpeachable evidences. In order to ascertain the modus-operandi, ascertain the role of other persons involved in the commission of offence, recovering the cheating amount and for completion of the investigation proceedings, custodial interrogation of the petitioner, is required to the IO. In case, petitioner was granted with the concession of anticipatory bail there are chances of running of the petitioner from the trial of the case, winning over the witnesses of prosecution and tampering with the prosecution evidence.”

4. Counsel for the petitioner seeks bail on the ground that the petitioner is not the main accused and one Pankaj Gulati is the main accused. The petitioner has sufficient custody of 01 month and 02 days and further custody is not justiciable. There is no direct evidence against him. He further submits that the petitioner is innocent and he has been falsely implicated in the FIR merely because the petitioner is a friend of main accused Pankaj Gulati and the name of the petitioner was not there initially in the FIR. Even in the preliminary inquiry the name of the petitioner never came forward. He further submits that main accused Pankaj Gulati used to visit house of the petitioner and in month of October, as mobile sim of Pankaj Gulati was not working while he was visiting the house of the petitioner, the petitioner gave him a sim which was lying spare and unused with the petitioner. Sim number was 99913xxxx. It was given merely on friendly relation and with no other purpose. Little know the complainant that one day he will face the trouble for that. Still mobile numbers, mentioned in the inquiry report and which became part of the FIR, do not contain above said number or number used by the petitioner himself i.e. 99910xxx. Following numbers were found during the preliminary inquiry: 95360xxxx, 98963xxxx, 99919xxxx, 97298xxxx, 99914xxxx, 95360xxxx, 96535xxxx, 82781xxx and 80594xxxx. He further submits that none of the mobile number belongs to the petitioner. Even the sim number given by the petitioner to the main accused finds any mention is

any illegal transaction. He further submits that the main accused Pankaj Gulati took a friendly loan of Rs.1,00,000/- from the petitioner way back in January 2024. The loan was taken in cash. Therefore, after some time, accused Pankaj Gulati gave his ATM card to the petitioner and asked the petitioner to withdraw Rs.70,000/- towards repayment of borrowed money. Accused withdrew the same. The petitioner and main accused Pankaj Gulati are friends and often used to talk over mobile phones. This is not a ground to rope in petitioner as an additional accused. Petitioner and accused Pankaj Gulati often shared money to help each other and none of the Bank account surfaced in the inquiry belong to or are controlled by the petitioner. These are account numbers 54648xxxx of Central Bank of India, A/c No. 07501000xxxx of Punjab and Sind Bank, A/c No. 83070xxxx of Airtel Payments Bank and A/c No 0170010xxxx of The Panipat Urban Cooperative Bank and A/c No.01700xxxx of The Panipat Urban Cooperative Bank and none of these account belong to petitioner rather no account is linked to any mobile number of petitioner.

5. The petitioner's counsel submits that the matter stands compromised with the victim/complainant.

6. The complainant's counsel also admits the factum of compromise and states that he has no objection to the petitioner's bail.

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

8. The State's counsel opposes bail and submits that in the investigation, it has been clearly found that the petitioner was directly involved and there is lot of money transactions between them.

REASONING:

9. Because of no objection to the bail by the complainant, this Court is inclined to grant bail with clarification that this bail on compromise shall not amount to the acceptance of compromise by the prosecution or the Court.

10. Given the compromise, 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 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.

11. The petitioner's bail shall not be treated as a precedent for granting bail to other co-accused, if any.

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 Ilqa 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 shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

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, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to 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. 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.

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

(ANOOP CHITKARA)
JUDGE

29.07.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.