2025:PHHC:150250

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

230

CRM-M-32192-2025 (O&M)
Date of decision: 31.10.2025

Yatin Kumar Pathak ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sanjeev Majra, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. *(Oral)*

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 388 dated 24.12.2024, registered under Sections 318(4), 319 and 61 of BNS, 2023 at Police Station Cyber Crime, District Gurugram.

2. The aforementioned FIR was registered on a complaint lodged by complainant Anil Agarwal alleging that on 25.09.2024, he had received a Whatsapp communication from one Sanoke Vishwanathan from a particular cell phone number and was given an opportunity of investing with JP Morgan company. He was induced to join a Whatsapp group in the name of 'B-16 JP Morgan Wealth Magnates'. There were several members in that group, who had been claiming to have fetched multifold profits by investing their money in the stocks mentioned by the administrator of the group. He was inducted to enter his profile in an App by the name of JP Morgan, which

he had downloaded through a link provided in the said group. On the basis of the representations made in that group, he invested a sum of Rs.6,55,00,000/- during the period from 14.10.2024 to 19.11.2024 in the schemes floated as part of JP Morgan's offerings in the group. Subsequently, he was also added in another group and profile was created therein and was made to invest an additional amount of Rs.2,04,35,000/-. However, later on, when he tried to withdraw the money invested by him, the administrator of the group started demanding more money citing low credit score, which raised suspicion in his mind. On his insistence to withdraw the money, he was removed from both the groups and was blocked. In this manner, he was duped of a huge amount of money. After registration of the FIR, investigation proceedings were initiated. It was found that the money from the bank account of the complainant had been transferred to 14 different bank accounts in the names of different persons. It was further revealed that an amount of Rs. 8,00,000/- had been transferred from the bank account of the complainant on 08.11.2024 in a bank account at UCO Bank, which was registered in the name of the present petitioner.

3. As per the further allegations, the petitioner was found to be already in custody in connection with another case bearing FIR No.365/24, registered at Police Station Cyber Crime, City Gurugram. His presence was secured through production warrants and he was arrested in this case on 03.01.2025. He was interrogated and suffered disclosure statement that he had given bank account kit and SIM card of his registered phone number for a sum of Rs.30,000/- to co-accused Rahul Kumar, who was also nominated as accused. Subsequently, some other persons were also nominated as

additional accused. Investigation qua the petitioner stands completed and challan has been filed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The subject offences are triable by the Magistrate. Conclusion of trial would take considerable time. His further incarceration would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

5. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Haryana has vehemently argued that there are serious and specific allegations against the petitioner. He was one of the members of the gang formed for the purpose of committing cyber frauds. Huge amount of money was usurped from the complainant. The petitioner is a habitual offender. There are chances of his committing similar offences or absconding, if released on bail. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the submissions made by both the sides.

7. The petitioner is alleged to be a part of conspiracy hatched with the co-accused to deprive the complainant and other public persons of their money on the pretext of investing the same in stocks on their recommendations. An amount of Rs. 8,00,000/- from the bank account of the complainant was transferred in the bank account of the petitioner. The petitioner facilitated commission of a larger conspiracy, whereby wrongful loss to the tune of Rs. 8,59,35,000/- has been caused to the complainant. The petitioner is in custody since 03.01.2025. Investigation qua him stands

concluded. Though, the allegations against the petitioner are serious in nature but keeping in view the period of his incarceration, the part played by him and the attendant facts and circumstances of the case, this Court is of the considered opinion that no useful purpose would be served by the continued incarceration of the petitioner. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on 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 or tamper with the evidence of the case in any manner whatsoever.

(ii) he shall deposit his passport, if any, with the trial Court and shall not leave the country under any circumstance without permission of the learned trial Court.

(iii) he shall appear before the learned trial Court on each and every date unless his presence is exempted by the Court.

(iv) he shall appear before the SHO of the Police Station concerned after every 15 days and shall also provide his address where he would be residing after release and shall not change the same without informing the concerned SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

8. In the event of there being any FIR/complaint lodged against

the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

31.10.2025 **(MANISHA BATRA)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*