



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-37859-2025

Date of Decision : 18.11.2025

VICKY KUMAR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

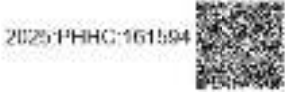
AARADHNA SAWHNEY, J. (ORAL)

1. This is the second petition for grant of bail under Section 483 BNSS, filed by petitioner, a co-accused in case bearing FIR No.87 dated 23.10.2024 registered against him at Police Station Cyber Sonipat, District Sonipat, at the instance of Sagar (complainant), for the commission of offences punishable u/s 318(4), 336(3), 338, 340, 61 of BNS.

The earlier bail petition filed before this Court, was withdrawn by him on 15.05.2025.

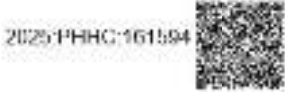
2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

Sagar, son of Ravi Kant Sapra, resident of 253, Model Town Sonipat, set the criminal law in motion by filing a complaint, the contents of which are reproduced as under:



“I, Sagar, son of Ravi Kant Sapra, resident of 253 Model Town, Sonipat, on 05/09/2024, applied on the website www.tataconsumerfranchise.com to take a franchise. Subsequently, on 06/09/2024, I received the registration form, catalog, and terms & conditions via email. After that, I received a call on my mobile numbers 8950143594, 7595845054 from mobile number 7595845054 on 06/09/2024, asking me to pay the registration fee, which I paid Rs.25,000, which was said to be adjustable. On 17/09/2024, I received a copy of the agreement via email, and I was asked to pay the agreement fee on mobile numbers 9038170244 and 9630886011, which was promised to be refunded after the completion of the agreement. I deposited Rs.75,200/- in their account. Then I received the stock list and was asked to select the stock. After selecting the stock I paid Rs. 2,25,000/-. I received an email care@tataconsumersdistributor.com stating that this would be my last payment. Then, I was asked for an NOC payment of Rs.1,33,200, which was promised to be refunded 7 days after the work started. I deposited it. Later, I was told there was a mistake and I needed to make one final payment for goods and team travel, 90% of which would be refunded later. I deposited Rs.1, 15,000 into their account for this. Thus, from 12/09/2024 to 19/10/2024, I deposited a total of Rs.5,98,400 into their different accounts. The transaction details are as follows:

Sr. No.	Date	Account Debited from	Account credited to	IFSC Code	Transaction ID/UTR No.	Amount (Rs)
1	12.09.2024	26500100011603	1917104000051305	IBKL0000	1264256276836	25,000
2	19.09.2024	26500100011603	1917104000051305	BKID0000	426391852858	75,200
3	04.09.2024	26500100011603	49110110016385	BKID0000	0001BARBR520241004009830602	2,25,000
4	04.01.2024	26500100011603	49110110016385	BKID0000	427849464372	1,33,200
5	16.01.2024	26500100011603	49110110016385	BKID0000	BARBU24290815867	1,33,200
6	19.01.2024	26500100011603	49110110016385	BKID0000	BARBR24293498582	1,15,000/-



	Total :	5,98,400/-
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After depositing such a large amount, I became suspicious and refused to deposit further money when requested. Then I called Tata Customer Care Toll-Free number and found out that the website was fake. Tata Group itself is taking legal action against it. However, I continued receiving calls demanding more money. Upon my repeated refusal and threats to lodge a police complaint, they admitted over the phone that they had committed fraud. This FRAUDUSTER took a total of Rs.5,98,400/- from me using fake websites and fraudulent documents. They also admitted over the phone that they deceive many people like this and that nobody can catch them or shut down their website. The emails received are listed as below: EmailIDs:

- 1. care@tataconsumersdistributors.com, 2. care@tataconsumers_distributor.com3.support@tataconsumersdistributors.com. ”*

On the basis of above mentioned complaint, a formal case vide FIR No.87 dated 23.10.2024, u/s 318(4), 336(3), 338, 340, 61 of BNS, was registered and criminal proceedings were set into motion.

During the course of investigation, the accounts where money was deposited were examined. It came to the notice of Investigating Officer that in the name of co-accused, Sumit Kumar, son of Lalan Saw two accounts were operational. The details of which are as follows:

- (i) IDBI Bank Account No.1917104000051305, Rs.1,00,200/- were deposited and Rs.90,000/- were withdrawn via ATM;
- (ii) Bank of India Account No.499110110016385, Rs.4,98,200/- were deposited;

Further, it also came to the notice of Investigating Officer that in Canara Bank Account No.110200231466 and in Indian Overseas Bank Account No.165901000007861 in the name of Swapna Das, r/o 15H, Bahur Began Street,



Raja Ram Mohan Sarani, Kolkata and Dharmveer, amount of Rs.30,000/- and Rs.1,04,000/- respectively were deposited.

Co-accused Sumit, in whose name two accounts in IDBI Bank and Bank of India were operating, wherein money was deposited, was joined in the investigation, who during questioning, admitted to his involvement and was thus arrested. He also disclosed the name of the present petitioner, namely, Vicky, son of Late Sh. Uday Kumar, as his accomplice and the role played by him. Petitioner was arrested on 17.01.2025. During interrogation, he also confessed to his guilt and got recovered Rs.3,000/- out of the commission fee received by him for opening various accounts.

Investigations further reveal that multiple bank accounts had been opened by the accused by using fake addresses. These accounts were used to park money received through fraudulent means. The account holders were paid commission for opening the accounts. After the initial deposit, defrauded money was withdrawn through ATM before it could be traced. It is further the case of the prosecution that till date, only two of the accused including present petitioner have been arrested, as also that on completion of investigations qua them, challan has been filed. Though admittedly the other accused - Roshan is still at large.

An application for grant of bail was filed by the present petitioner. The same was dismissed by the learned Additional Sessions Judge, Sonapat, in terms of order dated 02.04.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner, a young boy, whose name did not figure in the FIR, has been falsely implicated in the present case, only on the disclosure statement of co-accused. He was not aware



that the bank accounts opened by him would be misused for parking money received by fraudulent means. Moreover, he is not beneficiary of the transaction, neither did he withdraw the amount from the said accounts. No call details of his mobile phone were collected, which could have indicated that he was in constant touch with other accused, namely, Roshan and being aware of the entire facts, he himself opened various accounts and also encouraged his cousin brother to do so. Further his clean past antecedents also indicates his false implication in the present case.

Learned counsel also clarified that since the withdrawal of the first petition (CRM-M-19711-2025) for grant of bail filed by the petitioner, the statement of complainant has been recorded on oath in the Court. Moreover off-late, complainant has executed a compromise deed admitting therein that he has has received the entire amount of Rs.5,98,000/-, as also that now he is not interested in pursuing the case further. In this context, copy of compromise deed dated 17.10.2025 has also been placed on record.

In the light of submissions advanced hereinabove, learned counsel contends that lenient view deserves to be taken in favour of petitioner, who has been in custody since 16.01.2025 and even though complainant has been examined, but since the remaining 11 prosecution witnesses are yet to be examined, the likelihood of trial being completed in the near future is quite remote. Further incarceration of petitioner would not serve any useful purpose.

4. Per contra, learned State counsel opposes the request for grant of bail on the ground that petitioner, a resident of Bihar, is actively involved in the entire incident. He in conspiracy with co-accused Roshan (yet to be arrested) and other accused Sumit opened several accounts in various banks by giving fake addresses.



These accounts were misused to park money obtained through fraudulent means by deceiving various innocent persons. Though, learned State counsel has not disputed the fact that since the withdrawal of the first petition for grant of bail, from this Court, complainant has been examined, however, he submits that in case, the concession of bail is granted to the petitioner, likelihood of him fleeing from the process of justice, by not appearing in the Court, is quite high, he being resident of Bihar, further the chances of him misusing the concession of bail by committing yet another offence, can also not be ruled out. Dismissal of the petition has been prayed for.

5. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

6. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "***Gurbaksh Singh Sibbia V. State of Punjab***", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an



attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right.”

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”



Admittedly, the petitioner was not named in the FIR. His name cropped up in the disclosure statement of the co-accused, the admissibility and reliability of the said statement is a question which would be decided during the course of trial based on the evidence adduced on the case file. Moreover, nothing has come on record to indicate that petitioner is involved in any other offence of like nature. Further, in view of the submissions advanced by learned counsel for the petitioner and considering the fact that complainant has already been examined, who has also executed a compromise deed admitting having received Rs.5,98,000/- but without further commenting on the merits of the case, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner (who has been in custody since 16.01.2025), as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject to his furnishing personal bond in the sum of Rs.2 Lakhs with two solvent sureties to the satisfaction of learned trial Court/Duty Magistrate concerned. In case, he is unable to arrange local sureties, he is at liberty to deposit the aforesaid amount in the treasury. The petitioner shall further abide by the following conditions:-

- (i) *The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) *The petitioner will not tamper with the evidence during the trial.*
- (iii) *The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) *The petitioner will appear before the trial Court on each and*



every date fixed, unless is exempted by a specific order of Court.

(v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.

(vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

18.11.2025
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>