

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:153214



CRM-M-39695-2025 (O&M)

Reserved on:03.11.2025

Pronounced on:06.11.2025

Saurabh Panwar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nazar Singh, Advocate for
Mr. Navmohit Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, 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.13, dated 15.01.2025, registered under Section 318(4) of the BNS (offence under Section 61(2) of the BNS was added subsequently), at Police Station Cyber Crime, Rewari, District Rewari.

2. Adumbrated facts as emanating from the record are that on 07.01.2025, the complainant – Sudhir Singh received a whatsapp call on his cell phone and the caller while introducing him as Mohit Handa, disclosed to him that one Krishan Gupta had used his ID and had done act of money laundering worth Rs.68.50 lakhs by opening an account with Mumbai Branch of HDFC Bank. He further informed that the said Krishan

Gupta was in custody of the CBI and that the bank account details of the complainant were required and he was kept under digital arrest. On asking of that person, the complainant disclosed his account details. He was asked to transfer different amounts of money during the period from 07.01.2025 till 12.01.2025 on the premise that if he did not do so, then inquiry will be conducted against him also. In this manner, a total amount of Rs.4,18,999/- had been got transferred from him. The complainant was kept under mental stress and out of fear, he did not disclose about this fact to anyone. On intervention of his friend, on 12.01.2025, he disclosed the entire fact to him and then realized that he had been duped of the aforementioned amount of money. After registration of the FIR on his complaint, investigation proceedings were initiated.

3. As per the further allegations, during the course of investigation, it was revealed that amount of money was transferred from the bank account of the complainant in five different bank accounts, out of which, one account was in the name of the present petitioner and a sum of Rs.50,000/- had been transferred in the same. The petitioner was arrested on 25.04.2025. On interrogation, he suffered a disclosure statement to the effect that he had sold his bank account to accused Budh Raj for a sum of Rs.5000/- on coming to know about the fact he could get money by doing the same. Some of the co-accused have also been arrested. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 25.04.2025. He is not required for further investigation. The trial will take considerable

time to conclude. Infact, he had taken loan from accused Budh Raj on account of medical emergency and had given access of his bank account to the former, who had misused the same and had withdrawn money from that account. The case is based on documentary evidence. He has clean antecedents and is ready to abide by the terms and conditions to be imposed upon him. It is, therefore, urged that he deserves to be released on bail.

5. Per contra, it is argued by learned State counsel that the allegations against the petitioner are serious in nature. He in connivance with the co-accused had hatched criminal conspiracy and duped the complainant of his money by showing him to be under digital arrest. He is part of a well organized cyber crime. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, urged that the petition does not deserved to be allowed.

6. This Court has heard rival submissions made by learned counsel for the parties and have gone through the record.

7. The petitioner along with the co-accused is alleged to have duped the victim of his money. An amount of Rs.50,000/-, out of the amount of money transferred from the bank account of the complainant was credited in his account. The subject offence is triable by the Magistrate. The petitioner is in custody since 24.04.2025. The trial will take considerable time to conclude. Though, there is prima facie evidence on record connecting the petitioner with the alleged crime, however, in the considered opinion of this Court, pre-trial incarceration should not be a replica of post conviction sentencing of an accused. It is well settled

proposition of law that bail is the rule and jail is an exception. Keeping in view the nature of the allegations as levelled against the petitioner, the period spent by him in custody, his clean antecedents and other facts peculiar to this case, his further incarceration would not serve any useful purpose. As such, a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the the petitioner is ordered to be released on bail on his furnishing personal bonds as well as surety bonds to the satisfaction of the Court concerned/Duty Magistrate with two sureties in the like amount. The concession of bail granted to the petitioner shall be subject to following conditions:

- (a) He shall mention his personal identification details, like Aadhar Card number, Passport Number, if any, and cell phone number in the personal bonds itself;
- (b) He shall appear before the trial Court on each and every date;
- (c) He shall not tamper with the prosecution evidence by intimidating or pressurizing the witnesses during trial;
- (d) He shall not leave the country without prior permission of the Court.

8. Breach of any of the above conditions shall be a ground for cancellation of bail granted to the petitioner.

9. It is made clear that the observations made herein above are only for the purpose of deciding the present petition and the same shall not

be construed as an expression of opinion by this Court on the merits of the case.

06.11.2025

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No