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

CRM-M-41273-2025
Reserved on: 03.09.2025
Pronounced on: 12.09.2025

Ashish Badke ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arun Chander Sharma, Advocate for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

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ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---|---|---|---|
| 144 | 14.10.2024 | Cyber Crime Panipat, District Panipat | 318(4) of BNS 2023 (Sections 338, 336(3), 340(2), 61(2) of BNS 2023) |

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.** Per the custody certificate dated 02.09.2025, petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

> *"3. That the brief facts of the present case are that complainant Amit Chaudhary made a complaint to SHO Police Station Cyber Crime, Panipat, alleging therein that on 24.7.2024, he received a message on his Whats app No.94162xxxxx from mobile No.90635xxxxx, who told him about share trading. He further told him that he would get his money thrice the amount within six months. He asked him to register on a website www.fyers-privilege.com. The complainant get himself registered on the said website on 1.8.2024. Thereafter, he deposited the amount in the accounts told by them. The details of the amount deposited by him was disclosed in his complaint. The total amount deposited was Rs.1,38,75,000/-. Thereafter, they told him to invest money in an IPO guaranteeing to double the amount of his investment. Since the complainant was not having much money, the caller offered him loan of*

> *Rs.70 lac and they sent him a document on their website and he got loan of Rs.70 lac. He was allotted shares worth Rs.86 lac. After some days, on 24 September, the accused showed the IPO shares to the complainant on their website when complainant asked the accused as to whether he could sell his shares then the accused told him to repay the loan of Rs.70 lac, otherwise he would not get his money. They further told him that if he did not deposit the money, then his bank account and PAN card would be blocked and he would not be allowed to do share trading. The complainant got scared and he, after borrowing money from his acquaintances, deposited Rs.30 lac and Rs.40 lac in the account of the accused but when he tried to transfer the amount in his bank account by visiting the website, the accused blocked his account and demanded more money from him and also threatened him that his bank account, PAN card and Aadhar card would be black listed and he would not be allowed to do share trading. On 9.10.2024, the accused told him that his money would be freezed, if he did not deposit the money and his account would be freezed. Thereafter, he realized that he was defrauded of Rs.1,38,75,000/-. On the basis of complaint, FIR was registered."*

4. 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 their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

> *"5. That the petitioner had floated a fake firm under the name and style of M/s Jai Gurudev Furniture and he had opened an account in the name of Jai Gurudev Furniture in UCO Bank, Branch MT Cloth Market, Indore (M.P.). He then received Rs.30 lac in the account of his firm Jai Gurudev Furniture from the complainant by way of fraud. The copy of his bank account statement has been annexed herewith as ANNEXURE R-2.*
>
> *6. That furthermore, there are 18 online complaints of cybercrime moved by different persons and relating to the account of the present petitioner."*

REASONING:

7. Allegations against the petitioner are that he cheated the complainant for an amount of Rs.1,38,75,000/-, but considering his custody i.e. more than six months, this

Court deems it appropriate to grant him one opportunity to course correct and mend his ways.

8. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 5 of the bail petition, the petitioner has been in custody since 10.02.2025. Per the custody certificate dated 02.09.2025 the petitioner's total custody in this FIR is 06 months & 22 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

11. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

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|---|---|---|
| 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) | |

13. This order is subject to the petitioner's complying with the following terms.

14. 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.

15. 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.

16. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025), in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

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

(ANOOP CHITKARA)
JUDGE

12.09.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.