IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41331-2025
Reserved on: 02.09.2025
Pronounced on: 09.09.2025

Vikas ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishal Malik, Advocate
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

Mr. Ankit Chahal, Advocate,
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
359	09.08.2024	Gohana City, District Sonipat	406, 420, 467, 468, IPC (Sections 506, 120-B IPC and 24 of Emigration Act added later on)

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. As per paragraph 9 of the bail petition, the petitioner has no criminal antecedents. However, as per para 14 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	274	26.07.2024	406, 420, 467, 468, 471 IPC and 24 of Immigration Act	Sadar Jind

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

> *"4. That brief facts of case are that on 09/08/2024 a complaint number 231 P-II/G dated 05/07/2024 was received at the police station. The relevant contents of the application are mentioned below:-*
> *To respected DCP, Gohana, District Sonipat. I, complainant Raj Singh son of Shri Raghbir Singh, am a permanent resident of Dehra, Tehsil Samalkha, District Panipat. Munish Kumar son of Mahendra Singh resident of village Nayat, Tehsil Gohana, District Sonipat is my relative, whose marble stone shop is on Sonipat Road, Gohana, Tehsil Gohana, District Sonipat. I had gone to my relative Munish Kumar's shop, where I*

met accused Shakti Singh, accused Vikas and accused Deepak Sheoran, whose office for sending children abroad was adjacent to my relative Munish Kumar's shop. Shakti Singh and Vikas used to run Galaxy Axis coaching centre. I expressed my desire to go to Australia in front of the accused persons. Shakti Singh told me that he and his maternal uncle's son Deepak Sheoran do the work of sending children abroad. Shakti Singh told me that his maternal uncle Balbir mobile number 90503xxxx, who is on the post of ERV Pilot 1 in Haryana Police, is Deepak Sheoran's father Sand he has very good contacts. Due to this reason, our visa file is not stopped at any office. After this I expressed my desire to go to Australia and my friend Gaurav son of Sukhbir resident of Arya Nagar, Gohana, district Sonipat, expressed his desire to go to Canada. After this, I spoke to Munish Kumar that the above accused are known to you and now I and my friend Gaurav wish to go abroad, you should discuss with the above persons about the amount they are asking for and also decide the amount they are asking for on your own. After this Shakti Singh told me and my relative Munish Kumar that it would cost a total of Rs.25,00,000/- to send us both abroad, which would include the amount of Rs.15,00,000/- for Australia and Rs.10,00,000/- for Canada. After which on 01-03-2023, an amount of Rs.90,000/- was transferred from Gaurav's account to Deepak Sheoran's account through UPI number 342612xxx and on 02-03-2023 an amount of Rs.70,000/- was transferred to Deepak Sheoran's account through UPI number 306101xxxx. After that, whatever documents the accused asked for, I and my friend got them prepared and gave to them. Then on 06.05.2023. Shakti Singh showed Raj Singh's visa to Munish Kumar on his phone and told him that Raj Singh's visa has been approved on 05.05.2023 and Raj Singh's friend Gaurav's visa will also be approved soon. Now you deposit their payment soon and take their original visa from us. The above three accused took me and my relative Munish Kumar completely into confidence. On the same day dated 06.05.2023, as asked by Shakti Singh, I got the amount of Rs.5,00,000/- sent through RTGS in the bank account number 0159644xxxx Yes Bank of the accused Vikas from the account number 6393101xxxx Canara Bank Branch, Dehra of my uncle's son Pawan son of Dharampal resident of village Dehra. Tehsil Samalkha, District Panipat. On dated 08.05.2023, I again got the amount of Rs.1,00,000/- sent through RTGS from the account of my uncle's son Pawan Kumar to the same account of the accused Vikas After that on 22.06.2023, I went to Munish Kumar's shop in Gohana and gave Rs.15,00,000/- (15 lakhs) in cash to Munish Kumar. Munish Kumar gave the above amount to Shakti Singh, in return of which Shakti Singh gave Munish Kumar an affidavit on a stamp paper certified/attested by notary in Gohana tehsil, in which the accused Shakti Sangwan, instead of showing the real reason as going abroad, mentioned the above given amount as business transaction, and stated that two witnesses of this transaction namely, Jaideep Kundu and Manjeet were present at the spot, both witnesses had signed the affidavit. The outstanding amount of Rs.2,40,000/- was left, which Gaurav and I had decided to pay after going abroad. After that on 22.06.2023, the above accused gave a photocopy of my Australia visa to Munish Kumar and said that get your ticket to Australia, your work is done and your friend Gaurav's visa will also come soon. After which, before getting my ticket, I got my visa checked at the embassy, then it was found that the said visa was fake. After which I

> *contacted Manish Kumar and Manish Kumar contacted the accused and he said that it is not correct and neither can the ticket be done on the basis of this visa. You return our 22,60,000/- rupees, now we do not trust you three. But the accused repeatedly asked Munish Kumar and me for 2 months time and sometimes 1 month time and kept postponing it. During this, I kept talking to Munish Kumar and Munish Kumar told me that his brother Mahesh Kumar who is working in Panipat Police, talked to Deepak Sheoran's father Balbir who is on duty at Samalkha ERV Pilot 1 many times and he accepted to give money and asked for time. The recording of which is attached. I met the above accused Shakti Singh and asked for my money back, the above accused Shakti Singh said that if you come here again to ask for money, we will kill you and your relative Munish Kumar and our gang is very big. And said that his partner Deepak Sheoran's father is in the police and no one can harm them. They threatened me to not be seen near his and his partner's house again; else they will kill me and my family. Therefore, it is requested to you that strict legal action should be taken against the accused for committing fraud by promising to send us abroad and taking an amount of Rs.22,60,000/- from us, and our money should be returned. I will be highly grateful to you."*

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 his family.

5. The petitioner's counsel 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.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which reads as follows:

> *"13. That role of petitioner/accused Vikas actively conspired with co-accused Shakti Singh @ Monu and Deepak Sheoran to cheat complainants on the pretext of sending them abroad. He received Rs.6,00,000/- directly in his bank account and took Rs.3,60,000/- as his share from the cheated amount of Rs.22,60,000/-, which he spent on personal luxuries. He also threatened the complainants with dire consequences when they demanded their money back."*

REASONING:

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. As per paragraph 8 (r) of the bail petition, the petitioner has been in custody

since 27.12.2024. As per the custody certificate dated 05.08.2025, the petitioner's total custody in this FIR is 07 months and 08 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.

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:

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

09.09.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.