IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45735-2025
Reserved on: 16.09.2025
Pronounced on: 29.09.2025

Mohd. Asim Ali Khan ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tanvir S. Grewal, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

Mr. Vishavjeet Gill, Advocate for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
32	16.05.2025	Cyber Crime Kurukshetra, District Kurukshetra	316(2)/318(4)/61 and 241 BNS (Sections 61 and 241 BNS 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. Per paragraph 11 of the bail petition, the petitioner has no criminal antecedents, but per paragraph 11 (a) of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	131	17.04.2025	318(4)/319(2)/3(5) BNS	Special Cell (IFSCO), Delhi

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

> *"To The Station House Officer, Police Station Cyber Crime, Sector-8 Kurukshetra. Subject: Regarding committing cyber fraud of Rs.33,56,420/- by unknown persons by making online Investment in GRGC Gold Mining through mobile numbers 96265-23061, 78380-96967. Respected Sir, I am Nekpal son of Sh. Bal Kishan Rawat resident of House no.1563/12, Didar Nagar, Gali no.4, District Kurukshetra, We are two brothers and I do fish farming work and I do fish farming work in different districts. For that purpose, I have created a firm in the name of The Aqua Basket, which is a*

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proprietorship firm of which I am the owner. For this I have opened a current account number 3790474693 IFSC CBIN0283474 in Central Bank of India, Birla Mandir Branch and one savings account in Central Bank of India, Birla Mandir Branch with account number 3487714168 IFSC CBIN0283474. On both the accounts, my mobile no. 99919-62003 is registered. In the month of January, I saw on my Facebook ID nekpairawat@gmail.com an advertisement about making more profit by online investment in a company GRGC Gold Mining. That advertisement was from Facebook ID in the name shashanvaasvi, whose Facebook URL is https://www.facebook.com/shashan0001. After that, chatting started on my Facebook with that person and the opposite party told her name as Vasavi Shashan, resident of Lucknow. She told that she and her father Vinod Shashan, resident of Lucknow, who has retired from a big post in Railways, both run the company GRGC Gold Mining and by making online investments, they give heavy profits. They told me initially to start the investment from Rs.50,000/- and for this they told me that to join our GRGC Gold Mining company, you will have to create a separate account. So, by entering the password nekpal@12 that came on my email ID nekpalrawat@gmail.com, I joined their company and my UID No.7163009301100 was created. After that, on dated 05.02.2025, from an unknown mobile no.96265-23061, a Whatsapp message came to my registered mobile no.99919-62003, in which an account number of City Union Bank 500101014108704 IFSC CIUB0000306 in the name of Chitra was given. On 05.02.2025, I sent Rs.50,000/- from my savings account Central Bank of India, Birla Mandir Branch, account number 3487714168 IFSC CBIN0283474 through Google Pay to that account. After this, in my UID No.7163009301100, total Rs.80,000/- were shown. Out of this, I withdrew Rs.4380/-, which was credited the same day in my Central Bank of India account number 3487714168 number 500101014108704 IFSC IFSC CBIN0283474. Thereafter, on 10.02.2025, to the City Bank account Union CIUB0000306 in the name of Chitra, I sent Rs.90,000/-through Google Pay from my savings account Central Bank of India, Birla Mandir Branch, account number 3487714168 IFSC CBIN0283474. Thereafter, on 16.02.2025, to the City Union Bank account no.500101013665533 IFSC CIUB0000434 in the name of Karuppudeven, I sent Rs.50,000/- through Google pay account from my savings account Bank of India, Railway Road Branch, Baroda Bank account no.679110110000277 IFSC BKID0006791. Thereafter, the to no.47090200001518 IFSC BARBOMANHAL in the name of AR Traders, I sent Rs.15,00,000/- through RTGS from my current account number 3790474693 IFSC CBIN0283474. After this, in my UID No.7163009301100, total Rs.1,53,00,000/- were shown. Out of this, I withdrew Rs.10,00,000/- which was on credited 18.02.2025, on no.3790474693 21.02.2025, of day in my same the to IFSC CBIN0283474. the City current account Thereafter, Bank Union on account no.500101014131706, IFSC CIUB0000164 in the name of Mary, I, after discussing with my friend Shiv Kumar, got him to transfer Rs.1,00,000/- through NEFT from his HDFC Bank, Jhansa, Kurukshetra District current no.50200068899800 IFSC HDFC0003211. 27.02.2025, to the City Union account Bank account Thereafter, on 0.500101014131706 IFSC CIUB0000164 in the name of Mary, after discussing with my friend Shiv Kumar, got him to transfer Rs.5,00,000/- through RTGS from his HDFC Bank, Chansa, District Kurukshetra current account number 50200068899800 IFSC HDFC0003211. Thereafter, on 28.02.2025 to the Bandhan Bank account no.20100037167822 IFSC BDBL0002559 in the name of Anima Enterprises, I, after discussing with my friend Shiv Kumar got

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> *him to transfer Rs.3,00,000/- through NEFT from his HDFC Bank, Jhansa, were District Kurukshetra current account no.50200068899800 IFSC HDFC0003211. Thereafter, on 15.03.2025, to the IDFC Bank account no.63006882238 IFSC IDFB0080203 in the name of Jai Mata Di Enterprises, I, after discussing with my friend Shiv Kumar got him to transfer Rs.7,66,420/- through NEFT from his HDFC Bank, Jhansa, District Kurukshetra current account no. 50200068899800 IFSC HDFC0003211. After this, in my UID shown. No.73356738710, total Rs.90,00,000/-Thereafter, when I applied to withdraw the amount from my ID, they said that to withdraw you will have to deposit 26% tax of total Rs.40,00,000/-. I refused to pay the money and now my investment money is not being withdrawn. Then I came to know that I have been defrauded in cyber fraud of total Rs.33,56,420/- by unknown persons, Vasavi Shashan, resident of Lucknow and her father Vinod Shashan, resident of Lucknow, through mobile numbers 96265-23061, 78380-96967 by making me invest online in GRGC Gold Mining. Thereafter, I filed a complaint number 21305250022408 on online NCRP Portal 1930. I will present later the screen shots of the Whatsapp chats and other documents which happened with me. It is requested from you that against the above mentioned mobile no.96265-23061, 78380-96967, legal action may be taken and my Rs.33,56,420/- may be returned back to me. Your utmost kindness will be there. Applicant Sd/- Nekpal".*

4. Counsel for the petitioner submits that the matter stands compromised with all the victims.

5. Counsel for the complainant also admits the factum of compromise and states that they have no objection to the petitioner's bail.

6. 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.

7. 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.

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

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

> **"***10. He has received amount an of Rs.15,00,000/- in his firm bank account which first layer bank account and he has committed the present crime."*

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10. Per the custody certificate dated 14.09.2025, the petitioner's total custody in this FIR is 01 month and 03 days.

11. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.[1]In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.[2] Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.[3] Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.[4] When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.[5]

12. Because of no objection to the bail by the complainant, this Court is inclined to grant bail with clarification that this bail on compromise shall not amount to the acceptance of compromise by the prosecution or the Court.

13. Given the compromise, the penal provisions invoked vis-à-vis 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.

14. The petitioner's bail shall not be treated as a precedent for granting bail to other co-accused, if any.

15. 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.

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[1] Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

[2]Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

[3] Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

[4] Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

[5] Supreme Court of India in Sanjay Chandra v. CBI , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

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

16. 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.

17. 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.

18. 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)	

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

20. 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.

21. 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.

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22. 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.

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

24. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

25. 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."

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

(ANOOP CHITKARA)
JUDGE

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Whether speaking/reasoned: Yes
Whether reportable: No.

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