IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.45953 of 2025
Date of decision : 27.8.2025

Bhagwan Singh …………Petitioner

Versus

State of Haryana …….Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashish Rana, Advocate, for the petitioner

Mr. Vishal Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.10 dated 7.2.2025, under Sections 318(4) and 61 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Cyber Crime, Hisar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

> *'Statement of Ashish Saitia s/o Inderjit Saitia, resident of House No. 26/N Model Town Hisar, Education B.A. Stated that I am resident of above mentioned Address. And I have my own business. Due to my business being slow, I started investing in the share market as well. On 15.11.2024, he received a whatsapp message on his mobile No. 9896165050 from mobile No. 918421019653 and he was asked to invest money in the share market, then join the whatsapp group from the link given by https://chat.whatsapp.com/KoADCHxCmbuHdENHkCCMSQ joined the*

group. After that I was given the Whatsapp number of Arman Goenka as 8421020472 as was told to contact him to open Master Account, When I contact Armaan he gave me the link of Indmoney application. through which I invested Rs.20,000/- in the account No.28430210001974, UCO Bank on 23.12.2024. I purchased 400 shares of Sagilty (NSE) on 25.12.2024 and a profit of Rs.976/- was shown in my balance. On 17.01.2025 they asked me to put 14 lakhs and 30 thousand in account to buy IPO of Laxmi Dental. On their instruction I submitted money in that account and the money starts showing in my account and with profit of the IPO it starts showing total 44 lakh in my account. When I tried to withdraw the money I was unable to withdraw it and then I messaged on Mobile No. 8421020472 and asked them and they told that total 8 lakhs has to be submitted as Tax and only after that I will be able to withdraw my money. On 27.01.2025 I paid Rs. 8,01,201/- through my HDFC account No. 501001933857104 to Federal bank account No. 15130100093861. Then I again tried to withdraw my money but I failed then I again asked Arman Goyenka and he told me to wait as the Tax is getting paid. On 29.01.2025 he texted me and told me that my tax has been submitted and now I can withdraw my money. I again tried to withdraw my money but again failed. I asked Arman Goyenka and then he told me that he took all my money and went back to his home town in Japan. After that I realized that cyber fraud of Rs. 25,61,201 had happened with me. I rushed to CSC center and filed an online complaint No. 21302250006409 at Cyber Portal on 05.02.2025. It is requested to you to get my money back and take necessary action against the accused persons.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.4.2025. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the prime allegations are against one Arman Goyanka, who has not yet been arrested. Learned counsel has further argued that, assuming *arguendo,* the prosecution version is taken to be correct, only ₹40,000/- has come to the account of the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 26.8.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 24.4.2025 wherein after investigation was carried out and challan stands presented on 17.6.2025. Total 12 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of the trial emanating will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 26.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 4 months & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is

ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

(i) The petitioner shall not mis-use the liberty granted.

(ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.

(iii) The petitioner shall not absent himself on any date before the trial.

(iv) The petitioner shall not commit any offence while on bail.

(v) The petitioner shall deposit his passport, if any, with the trial Court.

(vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

(viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed

hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

27.8.2025.
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No