**(228) IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**CRM-M-47466-2025**
**Date of decision : 15.12.2025**

**HEMANT**

**... Petitioner**

**Versus**

**STATE OF HARYANA**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)**

Present: Mr. Harpal Singh Saini, Advocate for the petitioner

Mr. Neeraj Poswal, AAG, Haryana

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**MANISHA BATRA, J. (ORAL)**

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.006 dated 20.03.2024 registered under Sections 420 and 406 of IPC at Cyber Crime Police Station, Rewari.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant-Pankaj Saini alleging that through Facebook link, he came into contact with one Schroders Capital Institution Trading Services Company (**for short "Company"**) and was induced to make investments in stock market on the premise that he would be earning handsome profits. He was made to part with an amount of Rs.18.5 lakhs in six instalments. On 19.02.2024, the operator

of the above-mentioned company instructed the complainant to invest more money by saying that the minimum requirement was of Rs.20 lakhs to get some discount and when the complainant told him that he had no more funds to participate in block trading, he was asked to apply for interest free loan. An amount of Rs.3 millions was added in his online account, without any documentation work, which was shown to be increased in his account to the extent of Rs.5 million, within next 07 days. The complainant tried to withdraw Rs.3 million amount from the same but was asked to make loan payment and then he realized that he was trapped into a scam. By alleging that he had been cheated and wrongful loss has been caused to him by way of cyber crime., he prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. During investigation, some account in which money from the account of the complainant had been transferred were detected and found to be suspicious. One of such accounts was in the name of one 'Royal Electricals' under the proprietorship of the present petitioner. He was joined into investigation on 06.05.2025 and was arrested. He suffered disclosure statement admitting his involvement in the crime. He disclosed that he had been joined by accused-Mayank Panwar on the premise that they would earn money through cyber fraud and had given his bank account number and other details to the above-said accused, who had been using it, in lieu of commission of sum of Rs.4,000 per month to the petitioner. The investigation qua the petitioner now stands completed and challan has been presented.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. He is not required for further investigation. The trial will take considerable time to conclude. He was a delivery agent for Zomato and had been earning a modest livelihood. He had been deceitfully made by the co-accused Mayank Panwar to give his personal identification documents including Aadhar card, mobile number, PAN card and other credentials, on the pretext of providing a better job to him and for the purpose of complying formalities for such job. However, he was unaware of the ulterior motives of the co-accused and had handed over those documents, which were misused for unlawful purposes. No financial benefit, whatsoever, has been derirved by him. He did not receive any money from the co-accused. No recovery has been effected from him. He has clean antecedents. His further incarceration would not serve any useful purpose. The subject offences are triable by Magistrate. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Per contra, learned State counsel in terms of the status report has argued that there are serious allegations against the petitioner, whose complicity in the crime has been established as his bank account was used for the purpose of transfer of amount of Rs.3 lakhs, out of a total amount of Rs.18.5 lakhs which was extracted from the complainant. There are chances of petitioner's absconding or committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by the learned counsel for the parties at considerable length.

7. The petitioner by hatching a conspiracy with the co-accused is alleged to have caused wrongful loss of huge amount of money to the complainant by making him to part with the same. The allegations against the petitioner are that his bank account was used for the purpose of transfer of an amount of Rs.3 lakhs, out of the money got transferred from the account of the complainant by cheating him. The allegations prima facie make out a case of his involvement in the crime. However, the petitioner is now in custody for over a period of 07 months. The investigation now stands completed. Trial will take considerable time to conclude. No useful purpose would be served by detaining the petitioner anymore. Taking into consideration the above discussed facts, the period of the petitioner in custody, the extent of his involvement in the crime and the attendant facts and circumstances, but without meaning to make any comment on the merits of the case, lest the same prejudice the case of either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal and 02 surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

(i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.

(ii) he shall not leave the country under any circumstance without permission of the learned trial Court.

(iii) he shall appear before the learned trial Court as and when directed.

(iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

(vi) he shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**(MANISHA BATRA)**
**JUDGE**

**15.12.2025** **Whether speaking/reasoned:- Yes/No**
**Amit Sharma** **Whether reportable:- Yes/No**