IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-58342-2025 (O&M)
Date of decision : 10.12.2025

Ravi Kumar Sharma

... Petitioner

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ishan Khetarpal, Advocate for the petitioner

Ms. Himani Arora, DAG, 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 seeking grant of regular bail in case arising out of FIR No.35, dated 06.06.2025, registered under Sections 318(4), 319, 336(2), 336(3), 337, 338, 340 and 61 of Bharatiya Nyaya Sanhita, 2023 at Police Station Kaithal, District Kaithal.

2. The aforementioned FIR was registered on the basis of a complaint submitted by complainant-Ramesh Kumar alleging therein that on 29.05.2025, he had received a message on his WhatsApp and also received a video call and the caller, while introducing himself as an Officer of Crime Branch, Mumbai, disclosed to him that his mobile phone had been used for committing some fraud. He also asked the

complainant to give details of his Aadhar card, which was so sent by him. By extending threat that the account of the complainant had been used for the purpose of money laundering and he had taken an amount of Rs.20 Lakhs as commission and further by saying that the FIR had been registered against him, the caller kept him under digital arrest and within a span of five days, the complainant was made to transfer a total amount of Rs.55.3 Lakhs in the bank accounts, in which he was asked to transfer the same through RTGS. Subsequently, he came to know that he had been made a victim of cyber fraud. After registration of FIR, investigation proceedings were initiated. Statements of witnesses were recorded. It was revealed that an amount of Rs.21 Lakhs, out of the total amount of money got transferred from the complainant, was transferred in the name of AR INTER INFOTECH firm which was shown to be operated by one Parvez Alam. Another amount of Rs.23 Lakhs was transferred in the bank account operated in the name of Kanha Enterprises firm run in the name of Rahul Kumar and similarly the remaining amount of money was shown to be transferred in some other bank accounts. Accused-Rahul Kumar and Himanshu Sharma were joined into investigation on 19.06.2025. They suffered disclosure statements. Accused-Himanshu Sharma further disclosed that the petitioner had convinced him to provide his bank account for the purpose of depositing of money received on the basis of a fraudulent transactions and had promised to give him handsome amount of money in lieu thereof and then he had opened an account in his name. He also disclosed that the petitioner had given commission to him. The petitioner was nominated as an accused and was arrested on 20.06.2025. He too suffered disclosure statement admitting his involvement in the crime and got recovered a sum of Rs.10,000/-. He also suffered second disclosure statement. The investigation qua the petitioner now stands completed and Challan has been presented in the Court.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 20.06.2025. He does not have any criminal antecedents. He was not the beneficiary of the alleged fraudulent transactions. No money was transferred in his own bank account nor he had any link with the co-accused Himanshu Sharma. The only allegation against him is that he had facilitated opening of a bank account by the co-accused Rahul Kumar which is false. His continued detention would not serve any useful purpose. He is not required for further investigation. The trial will take considerable time to conclude. The material witnesses have since been examined and there are no chances of intimidating them. He is ready to abide by the terms and conditions to be imposed by this Court. It is, therefore, urged that he deserves to be released on bail.

4. Status report and custody certificate have been filed. Learned State counsel has argued that there are serious and specific allegations against the petitioner, who in connivance with the co-accused caused wrongful loss of money to the complainant by depriving him of a sum of Rs.55.3 Lakhs. There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, therefore, argued that the petitioner does not deserve to be extended benefit of bail.

5. This Court has heard the rival submissions.

6. The petitioner is alleged to have facilitated the commission of online fraud upon the complainant by making co-accused Rahul open a bank account, which was used for the purpose of transfer of money extracted from the complainant by deceiving him. The petitioner is in custody over a period of 05 months. The offences alleged to be committed by the petitioner are triable by Magistrate. Though the allegations *prima facie* reveal his involvement in commission of the subject offences, however, taking into consideration the overall facts, this Court is of the considered opinion that no useful purpose would be served by detaining him in custody anymore. The trial will obviously take time to conclude. It is well settled proposition of law that bail is the rule and jail is an exception. Pre-trial incarceration of an accused should not be a replica of post-conviction sentencing. Taking into consideration the above discussed facts, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is directed to be released on bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/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) the petitioner shall appear before the SHO/IO once within a period over every two months.

7. 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.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

10.12.2025 **(MANISHA BATRA)**
Waseem Ansari/Amit Sharma **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*