2025:PHHC:175493

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.62529 of 2025

Abhishek Tanti ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	09.12.2025
2.	The date when the judgment is pronounced	17.12.2025
3.	The date when the judgment is uploaded on the website	17.12.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Sonal Singh Godara, Advocate,
for the petitioner (through V.C.).

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

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MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short

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"BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	**Dated**	**Police Station**	**Sections**
02	02.01.2025	Sector-40, Gurugram, District Gurugram	406, 420 and 120-B of IPC

2. The facts and allegations are taken from para No.3 of the reply as filed by the State which reads as under:-

> "3. That the brief facts of the case are that on 11.10.2024, a complaint was submitted by the complainant Babu Lal, alleging therein that Pankaj Sahni, Prashant Verma, Deepak, Neetika Verma, Abhishek and Rajan Bhatia approached him in the year 2020 with a proposal to invest in Real Estate assuring high returns. They built a relationship of trust and based upon the same, the complainant invested approximately Rs.54,27,613/- (Rs.39,27,613/- through various accounts including the accounts of his son, brother-in-law and colleague and Rs.15,00,000/- in cash) in the said project. The accused also attempted to abstract additional funds by presenting a demand draft claiming that it would secure their investment. In the year 2022, when the complainant requested for return of his investment alongwith the promised profits, they delayed the payments. In the year 2023, they issued some cheques which were dishonoured. In the year 2024, he received an e-mail from M3M.Info.do not reply @aol.com. intimating him that he has

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been allotted unit no. 601 in DLF Camellias, Sector 42. The said e-mail was found to be fake and the demand draft was also found to be forged. His phone calls were blocked. When he visited the accused, they threatened him with physical harm. Prayer was made for taking legal action. Thereupon, the above mentioned FIR No. 02 dated 02.01.2025 u/s 406, 420 IPC (Later on added Section 120-B IPC) was registered at P.S. Sector-40, Gurugram."

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is not beneficiary of any transaction. The bank account in which the alleged money received by fraud had been transferred does not belong to him. Infact, he himself is the victim in this case and as he has been made a scapegoat by the accused Pankaj Shahi who is the main culprit and has been wrongly portrayed as an accused. There is no allegation with regard to payment of any money to him. The ingredients for commission of the subject offences are not attracted qua him. There is no transaction between the complainant and himself. No electronic device connected with the case had been operated or used by the petitioner. The trial will take considerable time to conclude. He is in custody for a period of over 07 months and 18 days. He has clean antecedents. His continued detention would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Per contra, learned Deputy Advocate General, Haryana has

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argued that there are serious allegations against the petitioner who in connivance with the co-accused Pankaj Shahi had induced the complainant to transfer money in his bank account on the premise of sale of a flat. His act of issuing cheques in favour of the complainant and then getting payment thereof stopped, shows his complicity in the crime. The co-accused are still at large and are yet to be arrested. There are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of bail. It is, thus, stressed that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner in connivance with the co-accused is alleged to have induced the complainant to invest a sum of Rs.54,27,613/- in Real Estate assuring high returns and is also alleged to have made attempt to extract additional funds from him. The petitioner has claimed that he himself was a victim as it was on behest of co-accused Pankaj Shahi that he had issued a cheque which was misused by accused Pankaj Shahi. The petitioner is in custody for a period of over 07 months and 18 days. He is not required for further investigation since challan has been presented against him. However, the trial will take considerable time to conclude. The offences alleged to be committed by him are triable by Magistrate. The disputed amount of money is shown to be transferred in the bank account of the co-accused. No fruitful purpose is going to be served by keeping the petitioner is custody any more. He is not shown to be involved in any other case. Taking into consideration the above discussed facts, this Court is of the

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opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and on the following conditions:-

(i) The petitiner will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.

(ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) He shall surrender his passport, if any, with the trial Court.

(iv) He shall also give details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.

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

7. In the eventuality of breach of any of the aforementioned

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conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

(MANISHA BATRA)
JUDGE

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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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