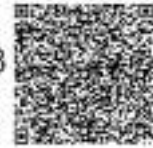


2026.PHHC.006283



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

243

CRM-M-64236-2025 (O&M)
Date of decision: 19.01.2026

Himanshu**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Prateek Kumar Jha, Advocate and
Mr. Amandeep Sohal, Advocate
for the petitioner.

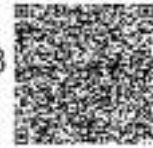
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to him in case bearing FIR No. 198 dated 22.07.2025, registered under Sections 318(4), 319(2), 241, 204 and 61(2) of BNS, 2023 and Section 66-D of the Information Technology Act, at Police Station Cyber Crime South, District Gurugram.

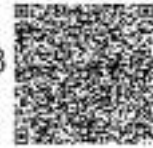
2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant, Abhik Ghosh, who was a retired IAS officer and was duped of a sum of Rs. 51,30,000/- by becoming a victim of cyber fraud. He was deceived on the pretext of his alleged implication in money laundering cases by the unknown persons, impersonating themselves as police personnel, made phone calls to him and got the aforesaid amount transferred into different bank accounts.

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3. After registration of the FIR, investigation proceedings were initiated. During the course of investigation, details of a phone number used in the commission of the crime, i.e. SIM Card No. 9540537392, were obtained. The said SIM card was found to be registered in the name of one Suman. She was joined in the investigation and her statement was recorded, wherein she stated that she had gone to the shop of the present petitioner for purchasing SIM cards. She disclosed that two SIM cards were issued in her name. One SIM card bearing No. 8375915647 was activated and handed over to her, whereas the petitioner retained the other SIM card bearing No. 9540537392 after getting it activated in her name. It was this SIM card which was allegedly sold by the petitioner to fraudsters. The petitioner was apprehended and was joined in the investigation. He suffered a disclosure statement to the effect that he used to sell SIM cards of Vodafone company. He disclosed that certain persons, who required SIM cards for committing frauds, used to contact him and offered amounts ranging from Rs. 2,000/- to Rs. 5,000/- for each SIM card. Out of greed, he started activating SIM cards by using the identity proofs of illiterate persons or by misleading customers. He used to hand over one SIM card to the customer, whereas another SIM card would be activated using the same KYC documents and photographs and retained by him. These SIM cards were thereafter handed over to unknown persons in lieu of money. He further disclosed that the register maintained by him had been destroyed. It was also revealed that some other SIM cards were used for the purpose of transferring money received from the bank account of the

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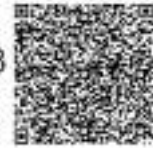


complainant. Some other accused were also arrested during the investigation. The investigation now stands completed.

4. Learned counsel for the petitioner has argued that he has been falsely implicated in the present case. He is in custody since 04.08.2025. He is not required for further investigation. No recovery has been effected from him. He had no concern with the persons involved in the fraud and was not the beneficiary of any fraudulent transaction. He has no connection with the other fraudsters. He is a small salesman dealing with SIM card activations. None of the co-accused has disclosed any involvement of the present petitioner nor is there any material on record to show that he acted in conspiracy with the other accused. There is no call detail record or screenshot showing any call made by the complainant to the petitioner or use of the said phone number by him. No evidence as to use of SIM card No. 9540537392 by him has been collected during the course of investigation. The trial is likely to take considerable time to conclude. Further incarceration of the petitioner would not serve any useful purpose. The ingredients of the offences alleged are not attracted against him. He has clean antecedents. It is, thus, urged that the petitioner deserves to be released on bail.

5. Status report has been filed by the respondent-State. Learned State counsel has argued that the allegations against the petitioner are serious in nature as he was part of a conspiracy hatched by cyber fraudsters who cheated the complainant of a huge amount of money. The SIM card registered in the name of Suman was sold by the petitioner to the other accused for facilitating commission of the subject offences, thereby causing wrongful loss

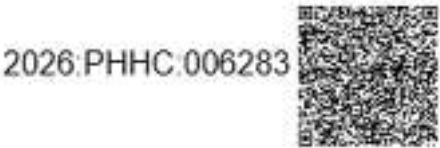
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to the complainant. It is further argued that there are chances of the petitioner committing similar offences or absconding, if extended the benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties.

7. The petitioner, who used to sell SIM cards of Vodafone company, is alleged to have misused KYC and identity documents of a woman for activating another SIM card, which was subsequently used for transferring part of the money fraudulently withdrawn from the bank account of the complainant by the co-accused, thereby cheating him. Though there is no material on record to show that the money transferred from the bank account of the complainant was directly received by the petitioner, the allegations *prima facie* point towards his complicity in hatching the conspiracy and facilitating the co-accused. However, the petitioner is in custody since 04.08.2025. The trial is likely to take considerable time to conclude as no prosecution witness has been examined so far. The petitioner does not have any criminal antecedents. It is a well-settled proposition of law that pre-trial incarceration should not become a substitute for post-conviction punishment. It is equally settled that the bail is rule and jail is an excetion. Taking into consideration the role attributed to the petitioner, the period spent by him in custody and the facts discussed above, but without expressing any opinion on the merits of the case, lest it may prejudice the trial, the petition is allowed. The petitioner is ordered to be released on regular 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 switched on all times.

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.

19.01.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>