



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-73952-2025 (O&M)

Date of decision: 14.01.2026

Pankaj Gupta

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Pratham Sethi, Advocate and
Ms. Surekha, Advocate for the petitioner(s).

Mr. Vivek Chauhan, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. This second petition (wrongly mentioned as first petition in the head note) is for grant of regular bail to the petitioner(s) in case bearing FIR No.14 dated 24.06.2021, registered under Section(s) 34/406/420 (Sections 419/467/468/471/201/120-B added later on) of the Indian Penal Code, 1860 at Police Station Cyber Crime, Rewari, District Rewari. The earlier petition was dismissed vide order dated 25.07.2025 passed by this Court.

2. Briefly summarized, the facts of the present case reads thus:-

“To Respected SHO Sahib, Cyber Police Station Rewari.

Subject: Regarding fraud of Rs. 112550. Sir, it is submitted that

I Baljeet Singh son of Shri Om Parkash is a resident of Village

Rozuvas. I got a call on 16.06.2021 from Nikhil Kumar from JO

company whose mobile number is 7354575670, who told me

about the mobile tower scheme and told me the total expense as

Rs.50000. On 16.06.2021, Nikhil Kumar took Rs. 1750/- as form fee from me through phone pay on mobile no. 9418505112. Thereafter, I got a call from Nikhil's boss Rajesh Chaudhary, whose mobile number is 8602657566 and took NOC certificate fee of Rs. 23500/- from me through PHONE PAY on 17.06.2021 whose PHONE PAY number is 9418505112. Thereafter, on 18.06.2021, I got a call from Rajesh Chaudhary and he took PTF FEE of Rs. 19800/-from me through PHONE PAY on 9418505112. Thereafter, on 19.06.2021, I got a call from Rajesh Chaudhary and he took TDS FEE of Rs. 30000/-from me through PHONE PAY on 9418505112. This fee was deposited from 9466225523 through PHONE PAY on 9418505112. After this, on 21.06.2021, I got a call from Rajesh Chaudhary and he made me deposit HARYANA GOVT. TAX RS. 37500/- through PHONE PAY on 9418505112. Thus the total amount of Rs. 112550/- has been deposited through Phone Pay. The PHONE PAY number is 9418505112, which is in the name of Pankaj Gupta. Pankaj Gupta's AXIS ACCOUNT No. is 919010078845845 and IFSC CODE is-UTIB0002062. I have been defrauded of Rs. 112550. Please help me. I will be highly grateful to you. Thanking you. Applicant Baljeet Singh. MOB No. 9050134063”.

3. Learned counsel for the petitioner contends that as per the case of the prosecution, the complainant had been defrauded to the tune of Rs.1,12,550/-. He contends that a recovery of Rs.80,000/- has already been

effected from co-accused/Dheeraj, who has been granted the concession of regular bail vide order dated 18.01.2022 passed in CRM-M-42842-2021. He contends that the investigation in the present case is complete, a final report was filed on 31.05.2025 and the charges were framed on 22.09.2025. He contends that even though the earlier bail petition was dismissed on 25.07.2025, thereafter, the complainant was examined on 11.11.2025 as PW-1. In his chief, the complainant specifically submitted that no fraud has been committed against him and that he did not suffer any loss to the tune of Rs.1,12,550/-. He further contends that the complainant-cheated person, having resiled from his testimony, the charges do not survive any further. It is further contended that the present case is triable by a Magistrate and the petitioner has already undergone an actual custody of more than 08 months in the present case.

4. Learned State counsel on instructions from ASI Anil Kumar submits that the earlier bail petition was dismissed on 25.07.2025 and that the defrauded amount had been transferred into the account being operated by the petitioner. He is, however, not in a position to dispute the period of custody already undergone by the petitioner, as also the fact that the complainant has not supported the prosecution version and has denied being defrauded of any amount.

5. Taking into consideration the circumstances as aforesaid, the period of custody already undergone by the petitioner, the nature of allegations, the complainant not supporting the case of the prosecution as well as the stage of trial, where only 02 witnesses out of 14 have been examined so far and that it is a Magisterial trial and bearing in mind that the

conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

14.01.2026

Mangal Singh

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