



2025:PHHC:154439



CRM-M No.61637 of 2025

-1-

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

224

**CRM-M No.61637 of 2025
Date of decision : 10.11.2025**

Akash alias Akash Kumar**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Prashant Sethi, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.75 dated 10.3.2025 under Sections 318(4) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (Sections 66-C and 66-D of Information technology Act, 2000 added later on), registered at Police Station Cyber Crime, NIT, Faridabad, District Faridabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'TO, The SHO Cyber Crime Branch NIT, Faridabad. Subject: Report of Cyber Crime. Sir, I, Nihal Singh, S/o Sh. Sita Ram Sharma R/o House No. 64, Gali No. 2, Párvatiya Colony, NIT, Faridabad, Haryana, am here to bring to your notice a case of cyber fraud cheating with me. I, own and maintain a mobile No.9818021040 and having a Facebook Account Nihal



2025:PHHC:154439



CRM-M No.61637 of 2025

-2-

Singh linked this mobile number. While surfing on my Facebook account I found a group namely 'Live High-Profile Life, who pretended themselves as advisors for share market trading. As soon as I clicked the option, I became member of the group. The admin person narrated me their nature of business and tried getting me involved in the business, but I denied. Another day I got a WhatsApp message from one Ms, Astha Sharma mobile No.8889706962, who lured me to get involved in the business, upon her lures, I agreed to start the business with Rs.5000/-, They shared a link to me for opening a trading account. Upon filling information and bank details, my account got created in Angel Bloc named application. As soon as I transferred Rs.5000/- in their account on 28.01.2025, the same amount started reflecting in my account. As the time passed, my transactions got increased and the value was getting nurtured. Gradually they attained my faith by allowing disbursements of Rs. 1000/- and Rs.5000/- at different times. A number of times, I transferred sum to their account which collecting showing in my trading application. From 28.01.2025 to 24.02.2025 I transferred a total sum of Rs. 29,06,400/-. The application is showing a sum of Rs.1,56,57,053/- as my principal amount and trading profit thereupon. On 25.02.2025, when I tried getting the amount transferred in my bank account, the application denied. I tried my level best but of no avail. A detailed discussion held with Ms. Anita Rivera 9910587169 (Only WhatsApp Number), Assistant of Group Head Mr. Dinesh Thakkar (Mobile No.7225902453 (Only WhatsApp Number), whereby she demanded 20% of the entire profit as their commission. Whereas, as such no term was decided well before initializing the work, I smelt some foul smell of their mala-fide intention. On my hard perusal, they stopped all the options of withdrawal and are bent upon to fetch 20% of profit on my account. On my further persuasion, they denied any amount to me. This is a group of cyber fraudsters who are now eloped with my principal amount of Rs. 29,06,400/-. You are, therefore, requested to kindly initiate probe into the matter and get the culprit behind bars and get my hard-earned money back at the earliest. I shall be highly thankful to you, yours hopefully, Nihal Singh 9818021040 Note: The above web link has been deleted now and is not showing anywhere SD/-Nihal Singh.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.3.2025. Learned counsel has further argued that the



2025:PHHC:154439



CRM-M No.61637 of 2025

-3-

petitioner has been falsely implicated into the FIR in question as he was merely advising the FIR-complainant to invest in the stock/share market. Learned counsel has submitted that the investigation *qua* the FIR is already complete and thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 8.11.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 29.3.2025 wherein after investigation was carried out and challan stands presented on 15.5.2025. Total 9 prosecution witnesses have been cited but none has been examined till date. It is, thus, indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 8.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 7



2025:PHHC:154439



CRM-M No.61637 of 2025

-4-

months and 12 days & is not shown to be involved in any other case. However, learned State counsel has brought to the notice of this Court that as per instructions received by him from HC Sanjay Kumar, another case bearing FIR No.316810802500428 (Serial No.428) dated 29.6.2025, at Police Station Nandgram, City (Commissionerate Ghaziabad), Uttar Pradesh, is registered against the petitioner *qua* bank account which is stated to have been used by the petitioner. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds



2025:PHHC:154439



CRM-M No.61637 of 2025

-5-

to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

10.11.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No