



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-22774-2025 (O&M)
Date of decision : 27.08.2025

Sheikh Sameer Rafiq

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anshul Khurana, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner seeking grant of regular bail in case bearing FIR No. 14 dated 31.01.2024 registered under Sections 420 and 120-B of IPC at Police Station Cyber Crime Ballabgarh, District Faridabad.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant Gaurav Chauhan alleging therein that he used to do stock trading at Zerodha App from the last some years. He also used to receive advertisements on his Instagram account. He had clicked on a link received by way of an advertisement. He had filled a form wherein he mentioned the details about the time since when he was engaged in trade and the amount of money invested by him. He was persuaded to join



a WhatsApp group titled as “Jonathan Simon Investwise Chronicals Club-214” “VIP 119 Wells Capital Business School Class”. There were several administrators of that group. He started receiving stock tips in this group on daily basis. He had earned good profits in the month of December, 2023. Thereafter, the organizers of this group persuaded him to join an institutional account. On being induced, he had clicked a link by downloading an App from the play store. The account was opened in that App. The group administrator had projected that the App was a genuine company and a license holder from SEBI. He was made to invest an amount of Rs.23,90,000/- and he was duped of the said amount by the administrators/organizers of the group/App in a planned manner.

3. After registration of FIR, investigation proceedings have been initiated. During investigation, the details of the beneficiary accounts were obtained. The IP addresses of the numbers from which WhatsApp messages were received were found to be that of China. One of such accounts was found to be opened at Indus Ind Bank by registering the mobile phone number of co-accused Pathan Shahrukh Khan. He was arrested on 05.12.2024. He suffered disclosure statement on the basis of which, it was revealed that he had handed over the mobile number and kit of the account so opened to co-accused Shakir and received a sum of Rs 30,000. On the basis of his disclosure statement, the present petitioner was also nominated as an accused since it was disclosed that he had provided bank account to accused Shakir and had obtained commission in lieu thereof. The petitioner was arrested on 05.12.2024. It was also revealed that he, in conspiracy with co-accused Shakir, had got executed a rent agreement qua shop situated at



Amroli, Surat in his name and the address of the shop was used for registering a fake firm whose current bank account was used in the crime. That apart, he had also provided three more current bank accounts to accused Shakir.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. He was not named in FIR. There is delay in lodging of the FIR that has not been explained. He is in custody since long. The subject offences are triable by the Magistrate. His further incarceration would not serve any useful purpose. Co-accused Pathan Shahrukh Khan has already been granted concession of regular bail by this Court, vide order dated 18.07.2025 passed in *CRM-M-15895-2025*. Even co-accused Vishnu has been granted concession of regular bail by this Court today itself, vide order of the even date passed in *CRM-M-24832-2025*. On the grounds of parity, the petitioner too deserves the same benefit. It is, therefore, urged that the petition deserves to be allowed.

5. Status report along with custody certificate have been filed. Learned Deputy Advocate General, Haryana has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

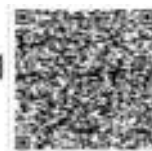
6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner, in conspiracy with co-accused, is alleged to have



got opened three bank accounts in the name of co-accused and is also alleged to have executed a rent agreement for registration of a fake firm whose current bank account was used for committing offences of cyber crime/online fraud. The subject offences are triable by the Magistrate. The petitioner is in custody since 08.12.2024. Co-accused Pathan Shahrukh Khan and Vishnu have already been granted concession of regular bail by this Court as mentioned above. Trial would obviously take considerable time to conclude. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts and circumstances, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal bonds and surety bonds by **two sureties** to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned. He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number(s) takes place, then he shall inform about the same to the learned trial Court in advance. That apart, the petitioner will mark his presence before the SHO, Police Station Cyber Crime Ballabgarh, District Faridabad a day prior to the date fixed before the trial Court and in case of his not doing so, the SHO concerned shall inform the trial Court, which shall be at liberty to cancel the bail of the petitioner. The petitioner shall also deposit his passport, if any, before the trial Court and shall not travel abroad without prior permission of the Court.

8. Since the main petition has been allowed, pending application,



if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27.08.2025

Wasem Ansari

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |