

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

**CRM-M-47716-2025  
Reserved on: 11.09.2025  
Pronounced on: 30.09.2025**

SAMEDEEN @ SAMEER

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

Mr. Surender Singh, Advocate for the complainant.

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**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
217	18.07.2024	Quilla Panipat, District Panipat, Haryana	406/420 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per para 4(H) of the reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	692	07.12.2024	406/420/504/506 of IPC and Section 66-D of IT Act, 2008	Kairana, Uttar Pradesh
2.	156	22.03.2025	318(4)/316(2) of BNS, 2023	Kairana, Uttar Pradesh

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“To The SHO Sahib, Police Station Quilla, Panipat. Subject: Legal action to be taken regarding the application against 1- Nitro Forex Limited, office situated at Sector 13-17, behind Thikana Dhaba, Panipat by Director, 2- Praveen Kataria, resident of Railway Road, Gali No. 2, Panipat, Mob. 8295030721, 3- Dr. Sameer, resident Jagdish Nagar. Near Mosque, Panipat, Mob. 7557537786, 4- Baba Naseem son of Haji Altaf, resident of Mai Ji Colony, Devi Mandir, Panipat, Mob. 9354831535, 5- Taseen son of Yasin, resident of Ward No. 6, Babail Road, Panipat, Mob. 93069-84560 Sir, the applicants make the following request: 1. That the applicants are residents of Panipat and are daily wage earners. 2. That the above accused No. 2 to 5 are members of accused No. 1's company and accused No. 2 to 5 met all of us separately and told us that our company will multiply the money tenfold in 18 months and 24 months and will give 5% commission on the amount deposited every month. Our company will return your money to you 10 times like*

*Bitcoin and it is our responsibility to return your money 10 times. We innocent people fell for the sweet and tempting talks of the above accused and the applicants invested their money in the above company to multiply it 10 times and all this money was spent. We had given the money to Baba Naseem at his house in MIG Colony, the money deposited by the applicants is as follows: Name of applicant and father's name Amount deposited, 1. Mohammad Shahrukh Malik son of Mohammad Inam Malik Rs. 4,33,000/- 2. Shahzad son of Sagaur Rs. 70,000/- 3. Inam son of Mala Singh Rs. 3,75,000/- 4. Rifakat son of Asgar Rs. 5,11,000/- 5. Shakeel son of Yusuf Rs. 50,000/- 6. Wajid son of Rozudin Rs.25,000/- 7. Nazim son of Rozudin Rs.1,25,000/- 8. Nadeem son of Yasin Rs. 1,30,000/- 9. Irfan son of Yasin Rs.50,000/- 10. Mohammad Sabir son of Mohammad Sabir Khalid Hussain Rs.5,60,000/- 11. Abdul Wajid son of Mulfait Ali Rs. 1,90,000/- 12. Mohammad Shakeel son of Abdul Rs.2,50,000/- 13. Naushad son of Mehardin Rs.2,50,000/- 14. Nawab son of Akhtar Rs.6,00,000/- 15. Yunus son of Shamsuddin Rs.2,50,000/- 16. Mohammed Uvesh s/o Khurshid Ahmed Rs.1,27,000/- 17. Gulfam s/o Irfan Rs.2,55,000/- 18. Jamshed Ali s/o Ali Ahmed Rs.1,25,000/-.* It is that we gave the above money to the accused on their request and on their assurance, but now the link to the website the above company has been closed and when the deadline for giving the money to some of our persons was over, the above accused started refusing to give the money and said that it will take some more time. When we went to the company again and again, the accused kept on making excuses and now the company has closed its office, after which when we went to the houses of accused No.2 to 5, they also do not give us any satisfactory answer. The accused have now refused to give us our money and have deliberately shut down the company, they have embezzled our money under a well-planned conspiracy and opened another company named Nitro Al, whose address is in the lane opposite Aneja Petrol Pump. They are getting the properties registered in the names of their family members by looting the money of the above mentioned people. Now the accused say that the company has gone into loss and your money is also over, if you come to us to get the money or make any complaint, you will be killed. The accused have made us innocent people the victims of their well-planned conspiracy and have usurped lakhs of our rupees and have cheated, deceived, breached the trust and have threatened to kill us if we ask for our money back. Therefore, we request you to register a case against the above culprits and their company and take strict legal action and recover our money from the accused and return it to us and protect our lives and property.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

**“G. The role of the petitioner:-**

*That the role of the petitioner is that he alongwith Parveen Kataria launched a company named Nitro Forex Limited. They introduced themselves to be directors of the company and influenced the persons*

*having good face value in the society to invest in their company and also posted their pictures on their advertisements, seminars etc. In this process, they got named accused Baba Nasin, Tasim etc to join in their company and made them team leaders and posted their pictures on the advertisement banners and seminars etc which influenced many people to invest in their company. They offered double of invested amount within 18 to 24 months and used to give NFC Coins (Virtual Currency) in exchange of actual invested amount. NFC Coins used to be reflected on the virtual wallets of the investors mobile phone. However, on 4th December, 2023, the petitioner and co-accused Parveen Kataria showed the company to have crashed and forced the investors to withdraw at very low prices. However, even very few people were able to withdraw the amount and most of the investors remained stuck with the virtual coins. The petitioner has admitted to his role in crime in his disclosure statement, Annexure R-1. **It is pertinent to mention here that the said company Nitro Forex was not found to be registered.**"*

REASONING:

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 10.09.2025, the petitioner's total custody in this FIR is 09 months and 03 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.<sup>1</sup>In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.<sup>2</sup> Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.<sup>3</sup> Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.<sup>4</sup> When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.<sup>5</sup>

1 Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

2Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

3 Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

4 Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

10. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

12. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

13. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

14. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

15. This order is subject to the petitioner's complying with the following terms.

16. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the

petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

21. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

**22. Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)**  
**JUDGE**

30.09.2025  
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Whether speaking/reasoned: Yes  
Whether reportable: No.