



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

**CRM-M-6162-2025 (O&M)  
Date of decision: 03.04.2025**

Om Prakash @ Om Parkash

...Petitioner

*Versus*

State of Haryana

...Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Kanwar Abhay Singh, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana for the respondent.

\*\*\*\*\*

**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of pre-arrest bail to the petitioner in FIR No.329 dated 06.11.2024 (P-1), under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*), registered at Police Station Cyber Crime, Police Station, Gurugram, District Gurugram.

(2) Allegations are that petitioner along with co-accused cheated *de facto* complainant to the tune of ₹ 38,000/- on pretext of arranging Diwali Party.

(3) Learned Counsel contends that petitioner was granted interim protection by this Court, vide order dated 03.02.2025 and in pursuance



thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(4) The above factual position is not disputed by learned State Counsel, on instructions from H.C. Nitin; but he vehemently opposed the prayer.

(5) Status report by way of an affidavit dated 28.03.2025 of Sh. Priyanshu Dewan, Assistant Commissioner of Police, Cyber, Gurugram, along with Annexures R-1 & R-2, has been filed. The same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It transpires that petitioner was granted interim protection by this Court, vide order dated 03.02.2025 and the same reads as under:-

*“Contends, inter alia, that there is no other criminal case pending against the petitioner and alleged amount of Rs.38,000/- was transferred by him in the Bank Account of Rahul Verma (main accused).*

*Notice of motion.*

*At this stage, Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State; seeks time to have instructions and/or to verify the credentials of the petitioner.*

*Posted for 18.03.2025.*

*In the meanwhile, the petitioner shall join investigation, but he be not arrested till the next date of hearing.”*



(8) After going through the police papers, it transpires that main accused, Prince Jain @ Rahul Verma allegedly agreed to organize a party on asking of *de facto* complainant, but he failed to do so; thus, *prima facie*, it appears to be a civil dispute.

(9) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 03.02.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(11) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(12) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

3<sup>rd</sup> April, 2025  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

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