

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

CRM-M-7555-2025 (O&M)

Reserved on : 11.03.2025

Pronounced on : 19.03.2025

Naveen Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sudhir, Advocate,
Mr. Jitender, Advocate and
Ms. Sabina, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

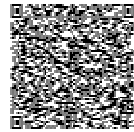
Mr. Anil Kumar, SHO,
Police Station Cyber Crime, Kollam Rural, Kerala.

MANISHA BATRA, J.

1. This petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking transit bail in case arising out of FIR No. 17 dated 01.08.2024, registered under Sections 318(4) and 319(2) of Bharatiya Nyaya Sanhita, 2023 read with Section 66-D of the Information Technology Act, 2000 at Police Station Cyber Crime, Kollam Rural, Kerala.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis of a complaint lodged by complainant Sumin K. Sudhi alleging therein that some persons had added him to a Whatsapp group called '**9 Interest Groups**' on 05.06.2024. The members of that group convinced the complainant that if he wanted to have expertise of trading, then he should join

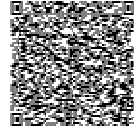
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another group called '**Mathew Bradley Stock Elite Hub**'. He joined the said group. A female caller, by introducing herself as assistant of the above named group, sent a link to him for downloading and installing a mobile application. He was asked to deposit an amount of Rs. 10,100/- online. He received some dividend initially. By promising huge returns/profits, he was induced to invest an amount of Rs.35,80,100/-. However, when he tried to withdraw the dividend, he was unable to do so and subsequently realized that he had fallen prey to a stock market trading scam. After registration of FIR, investigation proceedings have been initiated at the police station concerned. Apprehending his arrest, the petitioner had moved an application for grant of transit pre-arrest bail, which had been dismissed by the Court of learned Additional Sessions Judge, Rewari, vide order dated 21.02.2025.

3. This petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he was not named in the FIR. He has been nominated as an accused during the course of investigation. As per the allegations, an amount of Rs. 50,000/- was transferred from the bank account of the complainant to the bank account of a firm named as 'Zoji La High Global Private Limited' and the petitioner was alleged to be the director of the said firm. It is submitted that the petitioner has neither operated nor controlled the transactions in the aforementioned account. In fact, there is involvement of a Chinese company in use of the said account as a rental account. The petitioner is only a nominal director. His custodial interrogation is not required on account of mere fact that certain funds were transferred to the company's account. He is ready to join the investigation by appearing before the Investigating Officer of the case at the police station concerned. No

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recovery is to be effected from him. Therefore, it is urged that he may be extended benefit of transit anticipatory bail for a period of 60 days to the minimum in order to enable him to approach the jurisdictional/appropriate Court at Kerala, wherein the FIR in question has been registered.

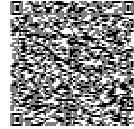
4. Respondent No. 1 has filed reply to the petition. It is submitted therein and learned Assistant Advocate General, Haryana has argued that the petitioner is not required for investigation in any criminal case by the Haryana Police. In fact, he has been nominated as an accused due to being director of one firm, wherein some part of the money from the account of the complainant had been transferred. It is submitted that no ground for grant of transit anticipatory bail has been made as the petitioner is a director of the above named company and his complicity is *prima facie* established. Therefore, it is urged that the petition is liable to be dismissed.

5. Mr. Anil Kumar, SHO of the Police Station, Cyber Crime, Kollam, Kerala has appeared through video conferencing facility and has submitted that the petitioner is apprehending his arrest. His custodial interrogation is must for proper investigation in the matter. 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 also gone through the record carefully.

7. The petitioner has admittedly been booked for commission of offences punishable under Sections 318(4) and 319(2) of Bharatiya Nyaya Sanhita, 2023 read with Section 66-D of the Information Technology Act, 2000 at Police Station Cyber Crime, Kollam Rural, Kerala. He is seeking transit anticipatory bail for the purpose of approaching the concerned Court at

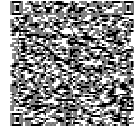
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Kerala for seeking relief of bail. The Hon'ble Supreme Court in ***Priya Indoria v. State of Karnataka and others***, arising out of SLP (Crl.) Nos.11423-11426 of 2023) (arising out of Diary No.7943 of 2023) decided on 20.11.2023 (which has been relied upon by learned counsel for the petitioner) has observed that the High Court or Court of Sessions can grant limited anticipatory bail in the form of an interim protection under Section 438 of Cr.P.C. (*which is pari materia with Section 482 of BNSS*) with respect to FIR registered outside the territorial jurisdiction of the said Court subject to certain conditions. One of the conditions for grant of this relief is that the applicant must satisfy the Court regarding his inability to seek anticipatory bail from the Court which has the territorial jurisdiction to take cognizance of the offence on the ground that there is a reasonable and immediate threat to life, personal liberty and bodily harm in the jurisdiction where the FIR is registered; the apprehension of violation of right to liberty or impediments owing to arbitrariness; and the medical status/disability of the person seeking extra territorial limited anticipatory bail.

8. The petitioner is in this case is a resident of Rewari and has been booked in a case registered within the jurisdiction of Police Station Cyber Crime, Kollam Rural, Kerala. He has a reasonable apprehension of his being apprehended and arrested by the police in the above mentioned FIR. The grant of transit anticipatory bail is in the form of an interim protection of limited jurisdiction till he approaches the competent Court either Sessions or the High Court for seeking regular anticipatory bail. It is a question to be considered as to whether a *prima facie* case for commission of aforementioned offences has been made out against the petitioner or not. In the peculiar circumstances of

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the case, this Court is of the considered opinion that the protection of transit anticipatory bail can certainly be granted to the petitioner till the time, he approaches the jurisdictional Court for grant of full-fledged anticipatory bail.

9. Keeping in view the facts and circumstances of the case, the petitioner is granted transit anticipatory bail for a period of two weeks starting from today so that he can appear before the Court concerned at Kerala and seek appropriate remedy there. During this period, in the event of his arrest, he shall be released on bail on his furnishing bond to the satisfaction of the Arresting Officer, for his appearance before the Court. The said bonds shall be sent to the concerned Court.

19.03.2025*Wassem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*