

S. No.207

2025:PHHC:111285



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

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**CRM-M-44686 of 2025  
Date of Decision:22.08.2025**

**Lokesh Dave and another  
Vs.  
State of Haryana**

**.....Petitioners**

**.....Respondents**

**CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present:- Mr. S.K. Bishnoi, Advocate for the petitioners.

Mr. Ramesh Kumar Ambavta, DAG, Haryana.

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**Yashvir Singh Rathor, J. (Oral)**

1. This is first petition filed under Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.09 dated 10.01.2025 registered under Sections 318(4) of BNS, 2023 and Section 61(2) of BNS, 2023 (added later on) at Police Station Cyber Crime, Rewari, Haryana.

2. The present case was registered on the basis of complaint given to the Police by Rakesh Kumar with the allegations that he received messages on whatsapp from some persons and they claimed to be speaking from "Chegg India Internet Limited" and from time to time, he received several calls and the caller sent him links and he has been duped of Rs.1,55,000/-. The matter was investigated and details of the bank accounts were collected and the offenders were found to be Dileep Rajak of Madhya Pradesh having beneficiary account in Bank of Maharashtra of Indore. The second beneficiary was found to be Gautam



Chauhan, resident of Indore. Accused Dileep Rajak was arrested, who nominated petitioners – Lokesh Dave and Rakesh Parmar as co-accused, who were arrested on 16.04.2025 and 13.04.2025 respectively. Co-accused – Rakesh Parmar suffered a disclosure statement that he and Lokesh had purchased the bank account of Dileep Rajat for Rs.5,000/-. Co-accused Lokes Dave further disclosed the name of co-accused Vishal Bagora who was also arrested from Raj Samand City.

3. Learned counsel for the petitioners argued that they have been falsely implicated in the present case. Petitioners- Lokesh Dave and Rakesh Parmar are in custody since 16.04.2025 and 13.04.2025 respectively. Now nothing is to be recovered from them. All the offences are Magisterial trial. Final report has already been presented after completion of investigation and trial is likely to take sufficiently long time to conclude and they may be released on bail.

4. Learned State Counsel has opposed the bail and argued that applicants- petitioners have committed a heinous crime. Such type of cyber crimes are increasing day by day wherein innocent persons are being duped of their hard earned money. Complainant has been cheated of Rs.1,55,000/- by the accused in conspiracy with the other co-accused and they do not deserve concession of bail.

5. Petitioner – Lokesh Dave is in custody since 16.04.2025 and Rakesh Parmar is in custody since 13.04.2025. Nothing has been recovered from their possession. Challan has already been presented after completion of investigation.



All the offences are magisterial trial. It is well settled that bail is the rule and jail is an exception and pre-trial incarceration cannot be ordered as a punishment and it is an exception and not a norm.

6. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

**(Yashvir Singh Rathor)**  
**Judge**

**August 22, 2025**  
**renu**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No