

2025:PHHC:119534



[215] **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-26116-2025 (O&M)

Date of Decision : 03.09.2025

Binu Krishnan ...Petitioner

versus

State of HaryanaRespondent

Coram : **HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Tanay Hazari, Advocate for the petitioner.
(Through V.C.)

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (ORAL)

[1] The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Binu Krishnan	15	22.01.2025	318(4) of BNS, 2023 (Sections 61(2) A, 238 of BNS, 2023 added later on)	Cyber Crime Central	Faridabad

[2] On being asked by the Court, it is informed that total duped amount in the present case, with which complainant-Vaibhav Aggarwal has been cheated upon is about Rs.21 lacs and in the petitioner's account an amount of Rs.7.32 lacs allegedly was found credited.

[3] Learned counsel for the petitioner submits that the petitioner is Director of a Company, namely KALSON MARITIME PVT. LTD and was inviting the investors to make the company fully functional. In October, 2021, petitioner was approached through telegram by a person, claiming to be an international investor. One person namely Mr. John, expressed his interest in investing in petitioner's company and thereupon he asked to have account access of the petitioner's company on his mobile number. Further explains that an amount of Rs.7.32 lacs which was invested by the complainant-Vaibhav Aggarwal, was subsequently credited in some other unknown account and petitioner feeling himself as duped/defrauded, addressed his complaint to the Commissioner of Police, Belapur Navi Mumbai, and also to the Cyber Cell on 19.12.2024. Therefore, submits that petitioner himself being victim of fraud/cyber crime, has suffered big loss in lacs of rupees.

He further submits that petitioner is inside jail since 06.03.2025 and all the offences being triable by the Court of learned Magistrate. He cannot be detained for an indefinite period as also, there is no other criminal case registered against him of similar nature. Thus, prays for grant of concession of regular bail.

[4] Learned State Counsel, while opposing the prayer for bail, submits that there is an active participation of the petitioner, as with fraudulent intent he opened company in the name of KALSON MARITIME PVT. LTD, inviting investors and thereupon defrauded them with huge amount of Rs.21 lacs along with the public in general.

[5] I have heard the counsel from both the sides and examined the record available before this Court.

[6] Plea taken by the petitioner cannot be appreciated in the proceedings of the present petition as it best, can be a defense for him and same can be led before the trial Court at an appropriate stage, if he so wishes, having sufficient substance in that regard to prove the defense.

[7] Be that as it may, it being an admitted position that petitioner is not involved in any other crime of similar nature and complainant Vaibhav Aggarwal, has been duped by him with a sum of Rs.7.32 lacs; offences are triable by the Court of learned Magistrate and final decision of the trial is likely to take considerable time and also the fact that petitioner is inside jail since 06.03.2025, I deem it appropriate to consider the plea for bail of the petitioner, by securing the interest of complainant-Vaibhav Aggarwal.

[8] Therefore, at the first instance, petitioner or his family members are directed to deposit the amount of Rs.7.32 lacs in the shape of FDR from the Nationalized Bank. It is thereupon that the petitioner would be released on bail subject to the satisfaction of the learned Trial Court concerned, in the present case.

[9] Accordingly, present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illqa Magistrate/Duty Magistrate concerned, if not required in any other case.

[10] Any of the discussion done and recorded hereaobve, shall not be construed as an expression of opinion on the facts of the case.

[11] It is also clarified that the deposit of said amount in a shape of FDR will be subject to the final decision of the case, including the proceedings , if any takes place before Appellate Court or subsequent Higher

Courts. It is also clarified that the deposited FDR would be got revised/renewed before the due date of its expiry by petitioner himself.

[12] Accordingly, petition is disposed of.

(SANJAY VASHISTH)
JUDGE

03.09.2025

'R. Sharma'

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*