

2025:PHHC:079804



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

1. **CRM M-59333-2024**  
**Date of Decision:04.07.2025**  
Amar Yadav ...Petitioner  
Versus  
State of Punjab ... Respondent
2. **CRM M-60379-2024**  
Anil @ Soni ...Petitioner  
Versus  
State of Punjab ... Respondent
3. **CRM M-61074-2024**  
Rakesh @ Rakesh Kumar ...Petitioner  
Versus  
State of Punjab ... Respondent
4. **CRM M-14686-2025**  
Kuldeep Singh ...Petitioner  
Versus  
State of Punjab ... Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Sunny K. Singla, Advocate for the petitioner  
in CRM-M-59333-2024.  
Mr. S.S Duhan, Advocate for the petitioner  
in CRM-M-60379-2024.  
Mr. Gautam Dutt, Advocate for the petitioner  
in CRM-M-61074-2024.  
Mr. Kartar Singh Malik, Advocate  
for the petitioner in CRM M-14686 of 2025.  
Mr. M.S. Bajwa, DAG, Punjab.  
Mr. Navdeep Jain, Advocate for

Mr. Shubham Chandel, Advocate for the complainant.

**N.S.SHEKHAWAT, J.**

1. This order shall dispose off four petitions, i.e., CRM M-59333 of 2024 titled as **“Amar Yadav Vs. State of Punjab”**, CRM M-60379-2024 titled as **“Anil @ Soni Vs. State of Punjab”**, CRM M-61074 of 2024 titled as **“Rakesh @ Rakesh Kumar Vs. State of Punjab”** and CRM M-14686-2025 titled as **“Kuldeep Singh State of Punjab”**, whereby, the petitioners have prayed for grant of concession of regular bail in a case FIR No. 19 dated 13.09.2024 under Sections 318(4) and 61(2) of BNS and Section 66(D) of IT Act, 2000 (Sections 336(2), 336(3), 340(2) and 319(2) of BNS added later on) registered at Police Station Cyber Crime Police, District Sangrur.
2. The FIR in the present case has been registered on the basis of the application filed by Bikramjit Singh and the same has been reproduced below:-

*“Copy of order, Application number PGD-ID 434172 from Hon'ble SSP, Sangrur on application of Bikramjit Singh S/o Late Sr. Karam Singh R/o House No. 8070 Bahadur Nagar, Sultan Wind Road, Amritsar Sahib now residing at Sangrur for registration of case against unknown person/ persons for offence U/s 318(4) and 61(2) B.N.S. & 66 D, IT Act 2000 was received case through post. The content of which are as, "To SSP, Sangrur, Subject: Regarding Online Fraud of Rs.1,43,28,264/- by some unknown person/persons in the name of doing trading. Sir, It is requested that I am*

*Bikramjit Singh S/o Late Sr. Karam Singh R/o 8070 Bahadur Nagar, Sultan Wind Road Amritsar Sahib now resident of Sangrur. That I retired from Tata Consultancy Service on March 2024, whatever my retirement dues, which I got and savings of my salary are all deposited in my ICICI Bank Account No. 000701515231 and HDFC Bank Account No. 00031140001441. A trading link came on my Facebook ID "Bikramjit Singh" on 6/7-08-2024. I filled my mobile no. 9711084752 on that link. After that I a message for trading from WhatsApp No. 9773589010 and she told me her name is Salvi Sethi and one trading app Wbssbpro got Downloaded from me. Then I received an invitation code on WhatsApp to log into that app and added my bank account. Then on 12.08.2024, from WhatsApp number 9680842818 whose name is Suresh Bhatt, who is customer support manager of SBI securities and in the name of trading for the first time got deposited Rs.25,000/- in AU Bank Account No. 2221217044364249 IFSC Code AUBL0002170 and in the same app shares were purchased by me. Then on 13.08.2024, Rs. 50,000/- will be deposited to buy shares and on 14.08.2024, Rs. 1,00,000/- will be deposited in same AU Bank A/c No. 2221217044364249 IFSC Code AUBL0002170. Then on 16.08.2024 Rs.50000/-, on 17.08.24 Rs.2,00,000/-, on 19.08.24 Rs.3,00,0007/-, on 20.08.24 Rs.1,20,000/- were got deposited in ICICI Bank A/c No. 347805500480 IFSC Code ICIC0003478. On 21.08.24 Rs.50,000/-, on 22.08.24 Rs.4,00,000/- were got deposited in ICICI Bank A/c No.072705500279 IFSC Code ICIC0000727. On 26.08.24 Rs.50,000/-, on 28.08.24 Rs.5,00,000/- were got deposited in ICICI Bank*

A/c No. 751105000246 IFSC Code ICIC0007511. On 27.08.24 Rs. 14,00,000/-+ 14,00,000/-total Rs.28,00,000/- were got deposited in Bandhan Bank A/c No. 20100030066700 IFSC Code BDBL0001295. On 04.09.24 Rs.4,00,000/-, 18,00,000/- and 8,00,000/- were got deposited in Bandhan Bank A/c No. 20100030381342 IFSC Code BDBL0001734. On 06.09.24 Rs.28,22,176/- were got deposited in The Cosmos Cop. Bank: A/c No. 9181001024000 IFSC Code COSB0000918. Then, Sanvi Sethi asked to deposit another 19 lakhs, when I showed inability to pay the remaining amount, Sanvi Sethi said that she will deposit it in my trading account as a loan whose screenshot was also sent by her on Whatsapp. On 10.09.24 Rs.13,61,088/- and Rs.50000/- on 11.09.2024 Rs.20,00,000/- were got deposited in UCO Bank A/c No. 31970210002049 IFSC Code UCBA0003197. I have deposited all this amount from my ICICI Bank account number 000701515231 and HDFC Bank Account No. 00031140001441 and the last payment of 20 lakhs was deposited by taking loan on my own insurance policies and by taking a loan from friend So far I had deposited a total of Rs.1,43,28,264/- and I was shown my amount as Rs.03,03,85,587/- in the said app. So again on 12.09.24 when I tried to withdraw my amount, my request was approved, but after some time I got a WhatsApp message that your last payment of Rs.20 lakhs was found to be suspicious and you should make that payment again. I told them on WhatsApp only that I have made online bank to bank payment, which are correct payments. But he said that you can withdraw the entire amount only by

*repeating the payment of 20 lakhs. Then I suspected that it was cheating on me. Then I contacted them again and they told that we have an offline meeting and we were busy there and I was given time till 17.09.24. I used to talk to people like Sanvi Sethi on mobile 9773589010, 7652915442, 7652878507, 8826127159 via chat and Voice Call, Suresh Bhut M. No.9680842818, Adi Vineet M.No. 7268904529 and their owner whose name is Veenet Jindal M.No. 7347434838 was being chatted through WhatsApp only. Now when I tried to contact them, the said mobile number were found to be closed or unavailable. Now I was convinced that the above person/persons have cheated me of about Rs.1,43,28,264/- by using fake names and identities through different WhatsApp accounts in the name of trading. Due legal action should be taken regarding the fraud done to me and my money should be returned. SD/- Bikramjit Singh”.*

3. Learned counsel appearing on behalf of Amar Yadav (petitioner in CRM M-59333 of 2024) submits that the petitioner was not named in the FIR and has been falsely implicated during the course of investigation. In fact, the petitioner had no concern with any of the financial transaction in the present case. It has been falsely alleged that the petitioner had supplied data of vulnerable persons. In fact, the petitioner had no means or reason to collect any such data from any source and all such details are supplied by various companies, who collect data of a particular category of a persons. Even, during the course of investigation, the police did not find any

material to connect the petitioner with crime, still, the petitioner was arrested in the present case on 08.10.2024 and is in custody since then. Learned counsel further contends that even Bikramjit Singh, complainant has signed a compromise (Annexure P-3) with the petitioner and the petitioner had returned a sum of Rs. 12 lakhs by way of bank drafts to the complainant. Now the *challan* has presented, but no witness has been examined so far.

4. Learned counsel appearing on behalf of Rakesh @ Rakesh Kumar (petitioner in CRM M-61074 of 2024) submits that the petitioner had no concern with the financial dealings of the complainant and the petitioner had not impersonated as any other person. Further, the petitioner had also entered into a compromise with Bikramjit Singh complainant and also handed over a sum of Rs. 3 lakhs by way of bank draft to him. The petitioner was arrested in the present case on 28.09.2024 and is in custody since then.

5. Learned counsel appearing on behalf of Anil @ Soni (petitioner in CRM M-60379 of 2024) raised the similar arguments and submits that the petitioner had not received any amount in his account nor his mobile phone was used in the alleged incident. Even, the police neither could collect any documentary evidence nor any amount was recovered from him, which could prove his connection with the alleged crime in any manner. Rather, the petitioner was wrongly arrested in the present case on 28.09.2024 and is in custody

since them. Even, the petitioner was working as a driver with Ankit and was not in a position to commit the crime.

6. Learned counsel appearing on behalf of Kuldeep Singh (petitioner in CRM M-14686 of 2025) also submits that the transactions were made by the complainant with Shanvi Sethi, Suresh Bhatt, Aadi, Vineet and Vineet Jindal and the petitioner had no role to play as per the allegations levelled in the FIR. Even, during the course of investigation, it was discovered that an amount of Rs.2 lakhs was deposited in the account of the petitioner, however, the same was transferred by the petitioner and which was handed over to his co-accused. He further contends that the petitioner was arrested on 25.09.2024 and is in custody since then.

7. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the parties on the ground that the petitioners had formed a gang with other members and had cheated the complainant to the tune of Rs. 1,43,28,264/- in the name of trading. Even, the police conducted the investigation and it was found that all the petitioners were complicit in the crime and sufficient evidence was found against them. However, learned State counsel could not dispute the fact that except the present FIR, no other FIR was found registered against the petitioners. Moreover, the prosecution had not examined even a single witness so far.

8. I have heard learned counsel for the parties and perused the record.

9. It has been held by the Hon'ble Supreme Court of India in the matter of Sanjay Chandra Vs. CBI, 2011(4) R.C.R. (Criminal) 898 and 2011 AIR (SCW) 6838 as follows:-

*“14. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction*

*has a substantial punitive content and it would be improper for any Court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for the purpose of giving him a taste of imprisonment as a lesson.*

*15. In the instant case, as we have already noticed that the "pointing finger of accusation" against the appellants is 'the seriousness of the charge'. The offences alleged are economic offences which has resulted in loss to the State exchequer. Though, they contend that there is possibility of the appellants tampering witnesses, they have not placed any material in support of the allegation. In our view, seriousness of the charge is, no doubt, one of the relevant considerations while considering bail applications but that is not the only test or the factor : The other factor that also requires to be taken note of is the punishment that could be imposed after trial and conviction, both under the Indian Penal Code and Prevention of Corruption Act. Otherwise, if the former is the only test, we would not be balancing the Constitutional Rights but rather "recalibration of the scales of justice." The provisions of Criminal Procedure Code confer discretionary jurisdiction on Criminal Courts to grant bail to accused pending trial or in appeal against convictions, since the jurisdiction is discretionary, it has to be exercised with great care and caution by balancing valuable right of liberty of an individual and the interest of the society in general. In our view, the reasoning adopted by the learned District Judge, which is affirmed by the High Court, in our*

*opinion, a denial of the whole basis of our system of law and normal rule of bail system. It transcends respect for the requirement that a man shall be considered innocent until he is found guilty. If such power is recognized, then it may lead to chaotic situation and would jeopardise the personal liberty of an individual. This Court, in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2005(1) RCR (Criminal) 703 : 2005(1) Apex Criminal 307 : (2005)2 SCC 42**, observed that "under the criminal laws of this country, a person accused of offences which are non-bailable, is liable to be detained in custody during the pendency of trial unless he is enlarged on bail in accordance with law. Such detention cannot be questioned as being violative of Article 21 of the Constitution, since the same is authorised by law. But even persons accused of non-bailable offences are entitled to bail if the Court concerned comes to the conclusion that the prosecution has failed to establish a prima facie case against him and/or if the Court is satisfied by reasons to be recorded that in spite of the existence of prima facie case, there is need to release such accused on bail, where fact situations require it to do so."*

10. In the present case also, all the petitioners are in custody for the last more than 09 months. After completion of investigation, the challan has already been presented against all of them. Moreover, the prosecution has not examined even a single witness so far and this is violative of their right to speedy trial, which had been guaranteed under Article 21 of the Constitution of India. Still further, the

petitioners are first offenders and all the offences in the present case are triable by the Court of Magistrate. Consequently, keeping in view the long custody as well, the petitioners are entitled to be released on bail.

11. In view of the above, without commenting any further on the merits, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

12. All pending applications, if any, are disposed off, accordingly.

**04.07.2025**

amit rana

**(N.S.SHEKHAWAT)**

**JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No