

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30586-2025
Reserved on : 14.07.2025
Pronounced on: 22.07.2025

ANOOP ALIAS ANUP

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
56	27.11.2024	Cyber Crime Hansi, Hansi	318(4)/61(2)/3(5)/336(3)/ 338/340(2)/238 of BNS, 2023

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 12 of the bail application and para 22 (H) of the reply/custody certificate, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date/Year	Offenses	Police Station
1.	56	2018	323/341/506 of IPC	Siwani, District Bhiwani
2.	250	2024	318(2)/61(2)/3(5)/204 of BNS	Cyber Crime, Gurgaon
3.	179	2024	318(4)/319(2)/61(2) of BNS	Cyber Crime, Kurukshetra

3. The facts and allegations are being taken from the status report dated 11.07.2025 filed by the State, which reads as follows:

"That the brief facts of the case are that the complainant, Mr. Raj Kumar Vats, Advocate, submitted a written application seeking legal action against the accused for having allegedly committed an online fraud. According to the complainant, on 19.11.2024 at approximately 9.00 A.M., he received a WhatsApp call from an unknown number xxx9927835. The caller identified himself as an official and informed the complainant that the Bombay Customs Department had intercepted a parcel arriving from Malaysia, which was found to contain narcotic substances. The complainant denied any association with the said parcel.

Subsequently, the caller stated that the matter would be investigated by the Bombay Police and the Central Bureau of Investigation (CBI). The call was then transferred to other individuals claiming to be law enforcement officials, who informed the complainant that the drug case had been dropped. However, they further alleged that one Mr. Sanjay Singh, a former manager at HDFC Bank, had implicated the complainant in a financial fraud by stating that he had opened a fictitious bank account in the complainant's name, in which Rs 32 crores had purportedly been deposited. The said Sanjay Singh, along with two accomplices, was alleged to have illegally earned the aforementioned amount by facilitating the unauthorized emigration of individuals abroad. The complainant categorically denied any knowledge of Sanjay Singh or any such fraudulent bank account. Thereafter, the callers informed the complainant that Sanjay Singh had been arrested and had confessed to having paid Rs 1,00,00,000/- to the complainant for opening the said account. It was further alleged that Sanjay Singh had trafficked 80-85 minors to foreign countries, earning Rs 32 crores, which he deposited into the fictitious account. The callers claimed that an investigation was underway and requested the complainant to share the details of and his wife's bank accounts. The complainant disclosed that he held approximately Rs 1.25 crores in his account. He was then Instructed to cooperate with the Bombay Police investigation. The complainant informed them that, being 78 years of age, he was not in a position to travel to Bombay. Subsequently, an individual identifying himself as Amit Kumar told the complainant that he would refer the matter to his senior, Mr. Anurag Jain. Mr. Jain allegedly informed the complainant that a "digital arrest" would be effected if he failed to comply. The complainant was then instructed to liquidate his fixed deposits (FDRs) and deposit the amount into a bank account purportedly held in the name of the CBI Court for the purpose of verification. It was assured that the amount would be refunded after verification. Relying on the said representations, the complainant transferred a total sum of Rs 1,33,00,000/- from his and his wife's bank accounts to the accounts provided by the callers between 19.11.2024 and 26.11.2024. Subsequently, the complainant realized that he had been defrauded and accordingly submitted an application to the police. The investigating authorities have since collected the bank account statements of the complainant and his wife. Upon which a case FIR no. 56 dated 27.11.2024 under Sections 318(4) of BNS was registered at Police Station Cyber Crime Hansi, Police District Hansi."

4. Counsel for the petitioner submits that petitioner has been falsely implicated in the present case and he was not named in the FIR. On instructions, he further submits that in case, this Court grants bail to the petitioner, he undertakes to live like a decent human being and a civilized member of the society. He further undertakes that if he is again indulged in any offence where the sentence is more than 07 years, he would have no objection if State files any application for cancellation of his bail. He further contends that further pre-trial

incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"G. The role of the petitioner:

That as far as the role of the petitioner/accused, it is submitted that the petitioner/accused is that he alongwith co-accused committed fraud with the complainant for an amount of Rs 1,33,50,000/-. As per investigation he had received Rs.5,00,000/- in his Fino bank account No.20351497809 20.11.2024 out of the total fraud amount. The allegations against the petitioner/accused are very serious in nature."

REASONING:

7. Petitioner was not named in the FIR. Rs.5 lacs were transferred in his account, out of Rs.36 lacs which was initially transferred in another account. Rs. 2 lacs has already been recovered. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 3(iii) of the bail petition, the petitioner has been in custody since 28.12.2024. Per the custody certificate dated 13.07.2025, the petitioner’s total custody in this FIR is 06 months and 14 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence,

browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

13. *This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.*

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

22.07.2025
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(ANOOP CHITKARA)
JUDGE

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