

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

CRM-M-13787-2025
Reserved on: 05.05.2025
Pronounced on: 19.05.2025

Vijesh Rar @ Vijesh @ Vijju ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Aiman J. Chishti, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
5	09.01.2024	Cyber Crime Central, District Faridabad	170, 389, 420, 120-B IPC (Section 201 IPC added later on)

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. In paragraph 6 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That brief facts of the case in hand are that the present case was lodged on the complaint of Dr. Parmod Kumar Arora son of Kishan Chand, on the allegations that on 7.1.2024 at about 1:30 PM, he received a call on his mobile no.9650099050 from mobile no.7715096096 of an unknown person who told himself as an employee of Fedex, who told that a parcel had been sent on his Aadhar number for Taiwan containing 200 grams MDMA. If this parcel did not belong to him, he should report at Crime Branch, Mumbai. If he could not go Mumbai, then he would arrange his call to Crime Branch, Mumbai. Thereafter, he made him talk to another person through conference and that person introduced himself as a Sub Inspector and he told that his higher officer was not in the office then and he would make him talk tomorrow. After that on

8.1.2024, again a call came on his mobile number from the above said number and the caller told that he would make him talk to the Crime Branch and then a person namely Bal Singh talked to him, who told that he was DCP, speaking from Crime Branch, Mumbai and was keeping watch on his case and a high level team would investigate this case and he sent police officer's ID card and some police related documents etc. on his mobile number from WhatsApp no.9366001623 and asked him to send complete details of his bank account, so that they could check whether money had been sent to his bank account by any drug selling gang. After that, he sent complete details of his HDFC bank account no.06151130003683 along with other personal information. After that the person posing himself as Police Officer told that he had to immediately send 48% of money from his bank account and after that they got noted account No. 2302260954599865 IFSC Code ABUL0002521 of Shri Garments. Being frightened of the police case, on 8.1.2024 he transferred Rs.31,76,246/- in account no..2302260954599865 through RTGS. After that, they threatened him that if he would disclose to anyone, they would implicate him in a case under section 377 IPC. In this way, cyber crime was committed with him. On the complaint, present FIR came into existence.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and 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 status report.

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

“The petitioner was involved in the present case on the ground that he encashed the self-cheque issued by the co-accused Vikas. In the bank statement of the account holder accused Sunil Poonia, it was written that the case has been withdrawn by Vijesh (the petitioner). On the instructions of co-accused Vikas, the petitioner Vijesh used to take a self cheque to the bank, signed it, give a copy of his Aadhar card to the bank and withdraw the money in cash and was handed over to co-accused Vikas.”

REASONING:

7. Counsel for the petitioner submits that the amount which the petitioner has received is Rs.15,000/-, out of which Rs.2000/- has already been recovered, as such no purpose would be served by further detaining the petitioner behind the bars.

8. 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 5 of the bail petition, the petitioner has been in custody since 18.01.2025. Per the custody certificate dated 22.03.2025, the petitioner's total custody in

this FIR is 02 months and 05 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, amount already recovered and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. 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.

11. 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)	

12. This order is subject to the petitioner's complying with the following terms.

13. 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.

14. 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.

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

16. 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

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to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

19.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.