

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28917-2025
Reserved on: 02.07.2025
Pronounced on: 15.07.2025

Kapil ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kanisth Ganeriwala, Advocate,
for the petitioner.

Mr. Naveen K.Sheoran, DAG, Haryana.

Mr. Amit Parashar, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
56	27.11.2024	Cyber Crime, 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. In paragraph 19 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Sir, I request that I am Rajkumar Vats Advocate son of Devkaran Sharma resident of Vakil Colony Hansi. On 19.11.2024 at around 9 am on my mobile number. I received a WhatsApp call on 94163xxxx from an unknown person with mobile no. 82699xxxx and he said that a parcel has come to Bombay Customs from Malaysia in your name and an drug is found in it. Is this parcel yours, I said no, I have not ordered any parcel. Then he said that Bombay Police and CBI will investigate this matter. After that he made me talk to another officer and he told me that we have discharged your drug case but Sanjay Singh, who is the ex-manager of HDFC, has opened a fake account in your name in which Rs. 32 crore is deposited. Sanjay Singh and his two other associates have together collected money in an illegal manner. Then I said that I do not know Sanjay Singh or the person who opened the fake account. Neither do I have any connection with them. Then he said that Sanjay Singh has been arrested by the police and Sanjay told that he has given a commission of crores of rupees to Raj Kumar Vats for opening this

account. Sanjay and his two companions have sent about 80-85 children to Malaysia illegally. The illegal money taken from the parents of the children has been deposited in a fake account in your name of Rs. 32 crores. We have to investigate you in this regard, Give us the details of all your and your wife's accounts and tell how much money is in each account, on which I gave all the details about 5 accounts of mine and my wife Kalpana Vats. And I told him that I have about 14 crores rupees in my accounts. After this he said that this case is going on in CBI court Mumbai. The case is serious so you will have to come to Mumbai for investigation. I said that I am a 78-year-old person, I am unable to walk and I am a heart patient. I cannot come here. Then Amit Kumar said that I have talked to my senior Anurag Jain, he said that if you cannot come then you have been digitally arrested. Verification of your money is to be done, you should immediately go to the bank and break all the FDs, and do RTGS in the CBI court account number I will tell you. If your money is found to be correct then it will be returned to you within 4-5 days, otherwise legal action will be taken against you. Then on 19.11.24, 39 lakh rupees were deposited from Rajkumar Yats' account and 47 lakh rupees from Kalpana's account in the account number 0824050xxxxx IFSC CODE-ICIC0000824 told by him. Then he said that you should not talk to anyone else about this matter. If you leak information during investigation, you may be punished with 3 to 6 years of imprisonment. The next day again I got a call asking me to transfer money from other accounts as well. Then on 20.11.24, I deposited Rs. 14 lakhs from Rajkumar Vats's account and Rs.22 lakhs from Kalpana Vats's account through RTGS in the account no. 201000xxxx of Bandhan Bank. Then on 21.11.24, I deposited Rs. 650000 from the joint account in the account no. 3797020xxxxxx of Bandhan Bank. On 26.11.24, I deposited Rs. 5 lakhs from Kalpana Vats's account in the account no. 20100028xxxxxx of Bandhan Bank as mentioned by her. On 26.11.24 my wife Kalpana called my brother in law Dr. Rakesh Bhardwaj at home and told him the entire incident, to which my brother in law said that you have been subjected to online fraud. I was taken into confidence and cheated of Rs. 1 crore 33 lakhs & 50 thousand. Then we filed online complaint no.31311240064314 and complaint no. 21311240051594 in this regard. Please take legal action.”

4. Counsel for the petitioner submit that without admitting or conceding, petitioner would live like decent human being and mend his ways. He further submits that in case petitioner repeats any offence and involved in any offence where the sentence prescribed is more than 07 years, he shall have no objection if the State files an application for cancellation of bail. He further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel also opposes bail and refers to the status report. Counsel for the complainant also opposes bail and submits that the police have failed to recover the proceeds of crime. He seeks liberty to make a representation in the event that the proceeds of crime are not recovered.

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

“20. xxxx xxxx

F. The Evidence against the Petitioner: Disclosure statement of co-accused.

G. The role of the petitioner: That as far as the role of the petitioner/accused, it is submitted that the petitioner/accused in connivance with the co-accused committed fraud upon the complainant amounting to Rs.1,33,50,000/-. The name of the petitioner/accused surfaced in the disclosure statements of the co-accused, wherein it was stated that fraudulent funds had been received in the accounts held by the accused persons. As per the disclosure statement, co-accused Nitin had requested the petitioner/accused Kapil to open a bank account for the purpose of receiving the proceeds of the fraudulent transaction. Further, co-accused Parveen and Sunil led to the recovery of Rs.20,000/- in pursuance to their respective disclosure statements. The petitioner/accused Kapil also led to the recovery of Rs.1,50,000/- pursuant to his disclosure statement.”

REASONING:

7. 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. As per paragraph 15 of the bail petition, the petitioner has been in custody since 29.11.2024. As per the custody certificate dated 01.07.2025, the petitioner’s total custody in this FIR is 06 months and 24 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 for 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. The complainant is granted the liberty to make a representation to the Superintendent of Police in the event that the police fail to recover the proceeds of the crime. Such representation shall be made within 15 days from the date of pronouncement of this judgment. All pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

15.07.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.