



CRM-M-12385-2026

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

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CRM-M-12385-2026

Tabssum

....Petitioner

V/s

State of Haryana

....Respondent

Date of decision: 20.04.2026**Date of Uploading : 20.04.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Farukh Abdullah, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Sumit Roy, Advocate and

Mr. N. Phukan, Advocate for the complainant
(through Video conference).

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.183 dated 13.09.2025 registered for offences punishable under Sections 314, 318(4) and 305(a), 61(2) later on added (403, 420, 380, 120-B IPC 1860) of BNS, 2023 at Police Station Sector 53 Gurugram, District Gurugram.

2. As per the prosecution case, the FIR was registered on the basis of a complaint submitted by one Bal Kishan on 13.09.2025 alleging large-scale financial fraud involving misuse of a digital payment platform operated by MobiKwik. It has been alleged that certain registered merchants, in connivance with unknown persons, exploited technical loopholes in the system to fraudulently transfer funds exceeding the



available wallet balance into their respective bank using QR based and UPI transactions. During internal reconciliation conducted on 12.09.2025, the complainant company detected suspicious transactions resulting in wrongful loss allegedly amounting to approximately Rs.40,22,32,210/- which may further increase upon investigation. The aforesaid acts were stated to constitute offences of cheating, criminal breach of trust, misappropriation and conspiracy. Based on these set of allegations, the instant FIR came to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as she has no direct or indirect involvement in the alleged commission of offence(s). Learned counsel has further iterated that the allegations, as levelled in the FIR, are vague, general in nature and do not attribute any specific overt act to the petitioner. It has been further contended that the entire case of the prosecution is based on a presumption i.e. 'technical loophole' in the digital payment system of the complainant company and not on any intentional or fraudulent act committed by the petitioner. According to learned counsel, the alleged transactions has occurred due to system failure or technical glitch and hence the essential ingredients of offences such as cheating, misappropriation or criminal breach of trust are not made out. Learned counsel has emphasized that the FIR itself suffers from delay inasmuch as the alleged incident came to light on 12.09.2025 whereas the FIR has been registered on 13.09.2025 which casts serious doubts on the genuineness of the prosecution story. The FIR contains vague, bald and unsubstantiated allegations without attributing any specific role to the petitioner. It has been



complete and no recovery is to be effected from the petitioner. Learned counsel has emphasized that the petitioner is a woman having two minor children aged about 3.5 years and 5 years, who are completely dependent upon her and her arrest would cause undue hardship and irreparable harm to her family. Furthermore, there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from her. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case she is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Referring to the status report by way of an affidavit of Amit Bhatia, HPS, Assistant Commissioner of Police, Sadar, Gurugram, learned State counsel has submitted that the present case involves a grave and serious economic offence of a very high magnitude resulting in wrongful loss amounting to several hundred crores to complainant company. The relevant part of the said status report reads thus:

“14. Role of the petitioner:

That in so far as the role of the petitioner in the commission of the present crime is concerned, it is submitted that the petitioner has played an active role in the commission of the present offence, which has been duly established during the course of investigation. As per the investigation, the petitioner Tabassum, with a dishonest and fraudulent intention, had exploited the technical glitch in the payment system of MobiKwik and had unlawfully transferred an amount of Rs.10,79,990/- from the complainant company's wallet into her own bank account maintained with HDFC Bank. The petitioner knowingly utilized her wallet credentials to receive and siphon off the defrauded funds, despite having no legal entitlement over the same, thereby causing wrongful loss



to the complainant and corresponding wrongful gain to herself. Her conduct reflects active participation in the larger conspiracy of misusing the digital payment infrastructure for fraudulent enrichment, and the fact that recovery of the duped amount is still pending. The copy of HDFC bank account number 50100354979662 is being appended along with the present affidavit as Annexure R1.”

Learned State counsel has further submitted that in view of the seriousness of the allegations, the magnitude of financial loss and the ongoing investigation, the grant of anticipatory bail at this stage would seriously prejudice the prosecution case and may result in the petitioner influencing witnesses or tampering with evidence. Furthermore, the custodial interrogation of the petitioner is imperative to uncover the entire conspiracy and the financial trail. Considering the seriousness of the allegations and the stage of investigation, the dismissal of the instant petition is prayed for.

4.1. Learned counsel appearing for the complainant has raised submissions in tandem with the State counsel. Learned counsel has iterated that the allegations against the petitioner are not simple but disclose a well organized and systematic *modus operandi* wherein technical loopholes in a regulated digital payment platform were deliberately exploited in connivance with other accused persons. According to learned counsel, the nature of offence clearly indicates the existence of a larger conspiracy which is still under investigation. Accordingly, a prayer has been made for the dismissal of the petition in hand.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably,



contained in the FIR disclose a well-planned and large-scale financial fraud for unlawful gain. The amount involved is substantial which *prima facie* indicates the seriousness and gravity of the offence. In the considered opinion of this Court, the economic offences of such magnitude cannot be treated at par with ordinary offences as they have far-reaching consequences on public trust. The plea of the petitioner that the instant case is a result of a technical glitch does not persuade this Court as such a defence cannot be conclusively examined at this stage. In cases involving digital fraud and conspiracy, the custodial interrogation often becomes necessary to unearth the larger network, trace the flow of funds and identify other co-accused persons. The exact nature and extent of the involvement of the petitioner requires deeper investigation for which custodial interrogation of the petitioner may be essential. The grant of anticipatory bail at this stage may hamper the investigation.

7. It is befitting to mention here that while adjudicating the plea for grant of bail, particularly in cases concerning cybercrimes and online fraud, a meticulous evaluation of several pivotal factors is necessary. The paramount factor is the nature, gravity and seriousness of the offence coupled with its potential societal ramifications. The proliferation of online frauds and cybercrimes poses a significant threat, as it systematically erodes public confidence in digital financial transaction platforms. Such erosion runs counter to the aspirations of an advanced and digitally empowered “Digital Bharat” and thus warrants a heightened degree of judicial circumspection. These offences are characterized by their capacity to aggrieve a multitude of victims simultaneously, often with a single act of commission. The deleterious consequences of cybercrimes transcend



individual boundaries, imperiling numerous unsuspecting citizens. The gravity of such transgressions cannot, therefore, be understated. They not only jeopardize the financial security and trust reposed by individuals in financial payment gateways and platforms but also inherently expose the broader populace to analogous threats. Indeed, cybercrime in our nation operates akin to a silent virus — insidious, disruptive, and exacting a toll on society that extends far beyond mere pecuniary loss, encompassing the bedrock of trust, security, and national progress. Given the inherent nature and profound gravity of such offenses and their wide-ranging cascading effects on both society and financial institutions, this Court finds itself disinclined to grant the relief of anticipatory bail as prayed for. To do otherwise would be to turn a *Nelson's eye* to the profound and far-reaching detrimental impact of these digital depredations.

8. Moreover, no cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the allegations against the petitioner, as emerging from the FIR and material placed on record, are that she is one of the beneficiaries and active participants in the fraudulent transactions carried out through the digital payment platform of the complainant company. Furthermore, the petitioner, in connivance with other co-accused, knowingly exploited technical loopholes in the system to initiate and process multiple unauthorized transactions whereby funds in excess of the permissible wallet balance were fraudulently transferred into the bank account linked with the petitioner and other accused persons. The investigation is at nascent stage. It is befitting to



Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

9. In view of the gravity of the allegations, the nature of the offence and the requirement of the custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the



petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 20, 2026
Ajay

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