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

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Chander Prakash

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 01.05.2026**Date of Uploading : 01.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

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.63 dated 20.09.2025 registered for offences punishable under Sections 318(4), 319(2), 61(2), 3(5), 241 of the BNS, 2023; Sections 66-C, 66-D, 75 of Information of Technology Act, 2000 and Sections 42(3) of The Telecommunications Act, 2023 at Police Station Cyber Crime Kurukshetra.

2. As per the prosecution case, the FIR came to be registered on the basis of a complaint made by ASI Isham Singh No. 23, who stated that on 19.09.2025, while he was on duty at the police station, he received secret information that an illegal call centre was being operated on the first floor above Baker's Lounge, near the Central Bank of India, Ladwa-Indri Road.

It was further alleged that the said call centre was engaged in cheating and

defrauding individuals both within India and abroad and that if a raid was



conducted, the culprits could be apprehended in the act. Acting upon the said information, a raiding party was constituted and a raid was carried out at the premises in question wherein eleven individuals were allegedly found engaged in fraudulent calls to foreign nationals using software applications such as EyeBeam and Zoiper. During the course of the raid, one of the persons present namely Rohit Malhotra, disclosed that all eleven individuals were employed at the call centre and the same was being operated by one Nikhil, a resident of Delhi, who had taken the premises on rent and employed the aforementioned boys to execute the fraudulent operation. It was further disclosed that under the directions of Nikhil, the employees used to obtain personal and banking details of victims by falsely informing them that narcotic substances had been found in their parcels and thereafter such information was used to commit cyber fraud. Based on these allegations, the present FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as he is not named in the FIR. Learned counsel has further iterated that no direct role has been ascribed to the petitioner and his alleged involvement is solely based upon the disclosure statement of co-accused, which is inadmissible in evidence. It has been further contended that no independent victim has been identified; no specific transaction has been attributed to the petitioner and no recovery has been effected from the petitioner. Learned counsel has emphasized that even the bank accounts of the petitioner have been investigated and later de-frozen after no suspicious transactions were found.

According to learned counsel, there is no material on record to show that the

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petitioner has been operating the alleged call centre or has any connection whatsoever with the day – to-day functioning of the said call centre. Furthermore, there exists no evidence either in the form of financial transactions or call details to establish any nexus between the petitioner and the co-accused — Nikhil Sapra. Moreover, the FIR does not allege any act of fraud, inducement or cheating by the petitioner. Learned counsel has emphasized that the role attributed to the petitioner is limited and similar to that of other co-accused who have already been granted the concession of bail by the competent Courts and therefore, on the principle of parity, the petitioner is also entitled to the same relief. It has been further contended that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he 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 contending that the allegations in the present case are grave and serious in nature involving a large-scale cyber fraud operation targeting innocent persons both in India as well as abroad. Learned State counsel has iterated that the investigation conducted so far has revealed that the petitioner, in connivance with other co-accused, was instrumental in running an illegal call centre whereby personal and banking credentials have been procured from victims by falsely alleging that narcotic substances had been recovered from parcels sent in their names thereby



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committing organized cheating and cybercrime. It has been further submitted that during the course of investigation, the role of the petitioner has surfaced as a key conspirator who was involved in the planning, execution and supervision of the illegal activities being carried out through the said call centre. Furthermore, the petitioner has deliberately evaded joining the investigation and has not cooperated with the investigating agency despite the issuance of non-bailable warrants. It has been further contended that the custodial interrogation of the petitioner is necessary for the purpose of unearthing the complete *modus operandi*, identifying other co-accused and to effect the recovery of money. Considering the seriousness of the allegations and the stage of investigation, the dismissal of the petition in hand is prayed for.

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, serious allegations have been levelled against the petitioner. Upon consideration of the record, it appears that a large-scale cyber fraud operation. The material collected during the course of investigation *prima facie* indicates that the call centre in question was engaged in deceiving individuals, particularly foreign nationals, by falsely informing them about the alleged illegal consignments in their names and thereafter induced them to part with personal and financial information. It is well settled that at the stage of consideration of plea for grant of anticipatory bail, the Court is not required to assess the evidence in details but only to determine whether the allegations are *prima facie* made out or not. Though the petitioner is not

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named in the FIR but his role has surfaced during the course of investigation through statements of co-accused and other circumstantial material. As per the prosecution, the petitioner is alleged to be one of the persons who was involved in the larger conspiracy behind the establishment and functioning of the call centre in question. This fact, coupled with other circumstances detailed in the investigation, points towards the active complicity of the petitioner in the alleged offence. At this stage, it cannot be conclusively held that the petitioner has no involvement merely on the ground that he was not named in the FIR or no direct recovery has been effected from him. The investigation is still in progress and the alleged role of the petitioner is yet to be fully unearthed. Furthermore, the plea of parity also does not persuade this Court to take a different view. In the considered opinion of this Court, the principle of parity cannot be claimed as a matter of right and must be examined in the light of the role attributed and overall circumstances of each accused. The petitioner stands on a different footing and therefore, the grant of bail to co-accused does not automatically bestow any right or entitle him to the same relief. The principle of parity cannot be applied in a mechanical manner, particularly in cases involving conspiracy and organised criminal activity. Therefore, the order granting bail to other accused persons neither confer any right nor be considered as a relevant/determinative factor to claim regular bail. The police have further asserted that the custodial interrogation of the petitioner is indispensable for the purpose of effectively unraveling the *modus operandi* of the accused persons and identifying the broader nexus involved in the fraud. The nature and gravity of the offence, involving organized cybercrime and financial



deceit, necessitate a thorough investigation, which, at this stage, cannot be conducted without the petitioner being in custody. The act, whether done knowingly or unknowingly, enable the commission of cyber fraud and the same cannot be brushed aside as wholly unreliable and as such the grant of anticipatory bail to the petitioner, at this stage, would hamper the on-going investigation.

7. It is befitting to mention here that while adjudicating the bail pleas, particularly in cases concerning cybercrimes and online fraud, necessitates a meticulous evaluation of several pivotal factors. Paramount among these is the inherent gravity and seriousness of the offense, 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 offenses 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,

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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. 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.

8. Cyber fraud coordinated by multiple individuals, is a serious offence with far-reaching consequences. The actions of the petitioner directly contribute to creating an infrastructure that was exploited to commit fraud. The contention of the petitioner of false implication cannot overshadow the specific allegations in the present FIR. The weightage and veracity of such defence can only be tested at the trial and not at the stage of consideration of pre-arrest bail. The investigation is at a crucial stage. In the considered opinion of this Court, the offence of this nature is serious for which custodial interrogation of the petitioner may be necessary to determine the extent of his knowledge regarding the fraudulent scheme whether he was aware of the misuse and the identities of other co-accused who may have facilitated the offence. In the considered opinion of this Court, granting anticipatory bail at this stage may likely to hamper the ongoing investigation.



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9. 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 is befitting to mention here that while considering a plea for grant of anticipatory bail, the 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.”

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10. In view of the gravity and seriousness of the allegations, the organized nature of the crime, the stage of the investigation as also the necessity 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.

11. 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

May 01, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No