IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-63285-2024
Date of decision: December 17th, 2024

Parmod Daila

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vijay Sangwan, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail in FIR No.36 dated 01.10.2024 under Sections 318(4), 61(2) of the BNS, 2023, registered at Police Station Cyber Crime Fatehabad.

2. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. It is argued that the petitioner was neither named in the FIR annexed as Annexure P-1 as an accused nor directly connected to the alleged offence. Instead, the name of the petitioner surfaced solely on the basis of a disclosure statement allegedly made by co-accused Dheeraj during interrogation. Learned counsel for the petitioner submits that such a disclosure statement has limited evidentiary value, particularly when there is no evidence linking the petitioner to any other similar criminal case. Furthermore, it is highlighted by the learned counsel that both co-accused, Dheeraj and Nadeem, have already been granted the concession of regular bail, and the petitioner, also deserves similar relief.

3. On a query put to the learned counsel qua the criminal antecedents of the petitioner, he has submitted that no such similar case is registered against the petitioner except FIR No.163 dated 19.06.2021 for offences under Sections 147, 148, 149, 323, 341, 302, 307, 427 of the IPC and Sections 3(1)(r), 3(2)(va) of the SC/ST Act, registered at Police Station Bagar, District Jhunjhunu (Rajasthan).

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. As per the allegations levelled in the FIR, the complainant, a credit card holder of AU Small Finance Bank, was contacted via WhatsApp on 21.09.2024 by an unknown person claiming to upgrade the credit card of the complainant to an international debit card. Despite declining the offer, the complainant was manipulated into clicking a link and increasing his online transaction limit to ₹3 lakh. Suspicious of the intent of the caller, the complainant then disconnected the call. Subsequently, unauthorized transactions totalling ₹72,487.48 were made using the credit card of the complainant. The complainant then lodged an online complaint on 22.09.2024 alleging fraud.

6. It transpires that on being arrested and during the interrogation of co-accused Dheeraj, it was disclosed that he had come into contact with the petitioner six months prior to the registration of the FIR; the petitioner introduced co-accused Dheeraj to a fraudulent scheme involving the payment of electricity bills with the promise of a 10% commission; the petitioner and co-accused Dheeraj played a fraud upon another individual by inducing him to pay an electricity bill of ₹39,656/- with a promise to give him a return of 1% on it. During the investigation of co-accused Dheeraj, it also came to the fore that it was

the petitioner, who had been orchestrating all such fraudulent operations.

7. *Prime facie*, the petitioner appears to be a key participant in a gang engaged in cyber crime, including duping individuals like the complainant in the present case. The alleged role of the petitioner in devising and executing the fraudulent scheme suggests that he played a central role, possibly as the mastermind. The custodial interrogation of the petitioner would definitely be essential to uncover the broader *modus operandi* and also about other potential accomplices.

8. This Court finds no merit in the arguments of the petitioner that since co-accused Dheeraj and Nadeem have been extended the concession of regular bail, he also deserves a similar relief. The petitioner appears to be actively involved in planning and benefiting from the fraudulent scheme for which his custodial interrogation would definitely be necessitated.

9. The present case highlights the alarming rise of cyber crime and online fraud, where unsuspecting individuals are duped through deceptive tactics such as phishing calls, fake links, and fraudulent schemes. The ease with which unscrupulous elements/criminals are exploiting technological platforms has been resulting in significant financial losses to innocent persons. This growing menace requires the necessity of robust investigation and stringent action to deter cyber criminals and safeguard the interest of the public.

10. In the light of the serious allegations against the petitioner, he does not deserve the extraordinary concession of anticipatory bail.

11. The instant petition stands dismissed.

12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 17th, 2024 **(MANJARI NEHRU KAUL)**
Puneet **JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes