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

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CRM-M No.4192 of 2025
Date of Decision: 21.03.2025

Mukesh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vikramjeet Singh, Advocate,
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana,
for the respondent-State.

Mr. Ankush Chauhan, Advocate,
for the complainant.

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<u>MANISHA BATRA, J. (Oral)</u>

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0082	04.10.2024	Cyber Crime, District Sonepat	308(5), 318(4), 319, 336(3), 338, 340 and 61 of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS")

2. Adumbrated facts as emanating from the record are that the

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aforementioned FIR has been registered on the basis of a complaint lodged by the complainant Indrani Bhattacharjee on the allegations that on 01.10.2024, she had received a call on her cell phone. The caller informed her that she was involved in a case of cyber crime as she had got issued a credit card of State Bank of India in her name and the said credit card had been used for money laundering purposes. The caller then extended threats to arrest her by saying that she had committed act against the national security and would be arrested. He also showed some warrants purported to be issued by Hon'ble Supreme Court of India. She was virtually kept under digital arrest and an amount of Rs.6,85,000/- was got transferred from her bank account to two different bank accounts, by the callers.

3. After registration of FIR, investigation proceedings were initiated. It was revealed that the bank accounts in which money of the complainant had been transferred, were related to Gujarat. The money so deposited in these accounts had been further transferred in the names of several persons. The petitioner along with the co-accused was joined into investigation. He was formally arrested. He was interrogated and suffered disclosure statement that he came into contact with co-accused Tushar about 1-2 months back who had offered to join him to earn money by getting opened bank accounts for the purpose of depositing of money received by defrauding public persons or money illegally earned. He had also disclosed that he was member of such a gang. The petitioner further disclosed that on asking of Tushar, he had joined their gang and then Tushar had called him to work along with him at Goa on payment of money @Rs.30,000/- per month.

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He also disclosed that a cell phone was given by accused Tushar to him for the purpose of sharing one time password through Telegram OTP Share App and he could get the same recovered. Investigation qua the petitioner stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 27.10.2024. He is a student of B.Sc B.Ed. No effective role has been attributed to him. More so, the complainant had been given entire money belonging to her. She even made a statement before the Court of learned Judicial Magistrate 1st Class, Sonipat that she had no objection if the petitioner was released on bail. No useful purpose would be served by detaining him in custody any more. Trial will take time. Therefore, it is urged that he deserves to be released on bail.

5. Status report has already been filed by the respondent-State. Learned Deputy Advocate General, Haryana has argued that the petitioner being a member of gang involved in the business of committing online frauds with innocent persons, had duped the complainant of a sum of Rs.6,85,000/-. Simply because of the fact that some amount of money has been returned to the complainant, the petitioner cannot be stated to be absolved of his liability. The allegations against him are serious in nature. There are chances of petitioner's committing similar acts again if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. Power of Attorney on behalf of complainant has been filed and the same is taken on record. Learned counsel submits that since the

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complainant has received a sum of Rs.3 lakhs from the co-accused Sarwan Kumar, Parveen and the petitioner, therefore, she has no objection if the petitioner is released on bail.

7. I have heard learned counsel for the parties at considerable length and have gone through the record.

8. The petitioner is alleged to be part of a bigger conspiracy hatched with the co-accused to extract hardearned money of public persons by committing cyber fraud, by intimidating such persons and extending threats to involve them in serious offences. This case is a fine example of case of cyber/digital arrest of the victim by the co-accused and the petitioner. Keeping in view the serious nature of the allegations as levelled against the petitioner, the role attributed to him, the possibility of his intimidating the witnesses or fleeing and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner does not deserve to be given concession of bail at this stage. The mere fact that some of the money of the complainant has been returned, cannot be considered to be a good ground for this purpose. Accordingly, the petition is dismissed.

(MANISHA BATRA)
JUDGE

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

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