IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-7139-2025
Reserved on: 26th March, 2025
Pronounced on: 3rd April, 2025

Abhishek Sharma
...Petitioner

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mayank Yadav, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

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MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 20 dated 27.09.2024 registered under Sections 318(4), 61(b) and 238 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Cyber Police Station, Narnaul, District Mahendergarh, Haryana.

2. As per the allegations, complainant Sunil Kumar had received a message through *Telegram App* installed in his cell phone, whereby offer had been made to do some online work. He had clicked a web link as per the instructions received in the message. A website in the name of Cars24 was opened. He was asked to register in the website. He had filled requisite information in the given format and was initially made to deposit a sum of

Rs. 1015/-. The operators of the above named website induced the complainant to deposit money on different account numbers as disclosed in the website by alluring him to fetch profits. The complainant deposited a sum of Rs. 1,18,47,353/-. An amount of Rs. 1,52,03,443/- was shown in the account of the website but he was unable to withdraw the said amount and thereafter, he realised that he had been made a victim of cyber crime.

3. On the complaint lodged by the complainant, FIR was registered. Investigation proceedings were initiated. Two account holders in whose accounts, money belonging to the complainant had been transferred namely Vinod Pipolida and Sanjay Kumawat @ Sanju were arrested. They were interrogated and suffered disclosure statements. Two more co-accused namely Brij Mohan and Mohan were arrested on 23.12.2024. Accused-Kishore Tomar was subsequently apprehended on 27.12.2024, as money of the complainant was transferred in his bank account as well. He suffered disclosure statement on the basis of which accused Rishabh Tripathi was nominated and was arrested on the same day.

4. As further alleged, on 27.12.2024, a raid was conducted in a flat to apprehend accused Nitesh Garg, who was found to be account holder of an account at Axis Bank and in whose account a sum of Rs. 40,000/- was transferred from the bank accounts of the co-accused. In the same flat, the present petitioner was found present along with co-accused Mukesh Nath, Aman Dela, Parmod Kumar and Kailash. All of them were found indulged in committing online fraud by using mobile phones and laptops. 23 mobile phones, 8 ATM cards, 2 cheque books, 8 passbooks, 11 SIM cards and certain other documents were recovered. The petitioner along with the co-

accused was joined into investigation and arrested. He was interrogated and suffered disclosure statement admitting his involvement in the crime. The call detail records of the petitioner and the co-accused were collected and it was revealed that they were in active contact with each other. The recovered mobile etc. were sent to DITAC lab. Investigation now stands completed and challan has been presented as against the petitioner and some other accused.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 28.12.2024. Investigation has concluded. Trial will take time. He does not have any criminal antecedents. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

6. Status report has been filed by respondent-State. Learned Assistant Advocate General, Haryana has argued that there are serious and specific allegations against the petitioner, who in conspiracy with the co-accused was indulged in committing cyber fraud and had duped the complainant of huge amount of money. His active involvement in the offence has been *prima facie* established from the material conducted during investigation. There are chances of his absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

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

8. The petitioner is alleged to be an active member of the gang indulged in commission of cyber frauds/crimes with innocent people with the help of cell phones, laptops etc. From the material conducted during

investigation from his possession, his involvement in several other cyber complaints has been established. The victim had been duped of a huge amount of money. Mere presentation of challan or period of incarceration cannot be considered to be a sufficient ground for release of the petitioner. The allegations against him are quite grave in nature. He was caught red handed while he along with some other co-accused involved in inducing innocent persons through mobile phone, to part with money with intent to cause wrongful loss to them. Keeping in view the gravity of allegations so levelled against him, the quantum of sentence which the conviction may entail 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 petition does not deserve to be allowed. Hence, the same is dismissed.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

3rd April, 2025
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No