IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-9954-2025
Reserved on: 26th March, 2025
Pronounced on: 3rd April, 2025

Rishabh Tripathi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Himmat Singh, 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 work online. 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 said 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 his complaint, the aforementioned 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 on the basis of which, two more co-accused namely Brij Mohan and Mohan were apprehended on 23.12.2024. During investigation, accused-Kishore Tomar was apprehended as money of the complainant was transferred in his bank account as well. The accused Kishore Tomar suffered disclosure statement to the effect that the present petitioner had taken his bank account number on commission basis and used the same for committing cyber fraud and in lieu thereof, he(Kishore Tomar) had received a sum of Rs. 35,000/- as commission. The petitioner was arrested on 27.12.2024. He suffered disclosure statement and got recovered his mobile phone. Subsequently, other co-accused were also arrested. Investigation stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. There is delay in reporting the matter to the police. He was not named in the

FIR. No transaction has been linked to him, neither his bank account has been found linked to the allegations of fraud. Trial would take considerable time to conclude. His further incarceration would not serve any purpose. Therefore, it is urged that he deserves to be released on bail.

5. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana that there are serious and specific allegations against the petitioner. He had taken a bank account of co-accused Kishore Tomar on commission basis and used the same for committing cyber fraud. An amount of Rs. 2,00,000/- belonging to the complainant was transferred in that account. Apart from this, an amount of Rs. 80,000/- was transferred in the bank account of the petitioner. Call detail records of the petitioner and the co-accused have been collected and the same show that they were in constant contact with each other. The petitioner is an important link in the chain of persons, who are involved in cheating and committing fraud with innocent public persons by inducing them. It is a case of cyber fraud in which the petitioner had actively participated. The complainant had been duped of a huge amount of money. As per the report received from Indian Cyber Crime Coordination Centre, the bank account of co-accused Kishore Tomar, which was taken by the petitioner was involved in eight cyber complaints qua offences committed in different States with regard to the online inter-state frauds. It is submitted that there are chances of petitioner's absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

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

7. The allegations against the petitioner are serious in nature. In connivance with the co-accused he is alleged to have duped the complainant a sum of Rs. 1,18,47,353/-. His participation in the commission of subject offences is *prima facie* reflected from the allegations in the FIR. 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.

8. 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