IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13618-2025
Reserved on: 3rd April, 2025
Pronounced on : 09th April, 2025

YASH

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aman Redhu, Advocate for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana.

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MANISHA BATRA, J :-

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 221 dated 16.12.2024 registered under Sections 318(4) of Bharatiya Nyaya Sanhita, 2023 (Sections 241 & 61(2) of Bharatiya Nyaya Sanhita, 2023 added later on) at Police Station Cyber Crime, NIT Faridabad, Haryana.

2. The aforementioned FIR has been registered on the basis of a complaint lodged by the complainant Sorabh Kumar alleging that he was made a victim of cyber crime/online fraud by receiving a call on his mobile phone number from a person who introduced himself as representative of AU Small Finance Bank and told him that he would be getting a new credit card free of cost and on his asking, he had proceeded with the process and downloaded application as provided in the link sent by the caller and his

credit card was immediately blocked. The transactions for amount of Rs.23,118/- and Rs. 25,515/- were made from his account in the meanwhile and he was duped of that money. After registration of FIR, investigation proceedings have been initiated and are underway.

3. During the course of investigation, accused-Arman Ansari was apprehended on 04.01.2025. He was interrogated and suffered disclosure statement admitting his involvement in the crime and also about the complicity of the present petitioner and co-accused Ashish Karmakar. As per disclosure statement made by them, they had hatched a conspiracy, as per which, they used to call public persons by representing themselves to be bank employees and by inducing them to get issued free credit cards and to send them link in the name of some false bank. As soon as the victim submitted the details of their credit cards on the forged App sent to them, they used to place an order on Blinkit App for shopping something with the money so received and then the articles so purchased from Blinkit app were sold further. It was revealed that the complainant was duped by them in the same manner. The petitioner used to get 10% share of the money received by selling goods ordered through fraud. It was also disclosed that in the transactions which had taken place from the credit cards of the complainant, an amount of Rs.22,500/- had fallen to the share of the petitioner. The petitioner was nominated as an accused. Apprehending his arrest, he moved an application for grant of pre-arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Faridabad vide order dated 03.02.2025.

4. It is argued by learned counsel for the petitioner that he has

been falsely implicated in this case. He is a driver by profession. He is ready to join the investigation. His custodial interrogation is not required. The disclosure statement of the co-accused cannot be considered to be admissible in evidence as against him. Accordingly, it is urged that he deserves to be extended benefit of pre-arrest bail.

5. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Haryana that there are serious and specific allegations against the petitioner who in conspiracy with the co-accused had ordered articles on Blinkit app to be delivered at the address of co-accused Arman Ansary. He too had received articles by purchasing the same through Blinkit App by using the duped money and had sold the same further. His complicity in the crime is *prima facie* made out. For conducting thorough and proper investigation in the matter, his custodial interrogation is must. It is, accordingly, urged that the petition does not deserve to be allowed.

6. This Court has heard rival submissions, carefully.

7. The petitioner by hatching a conspiracy with the co-accused to cheat public person by committing online/cyber fraud by inducing public person to apply for free credit cards, and by using their bank account details is alleged to have caused wrongful loss to the tune of Rs.48,633/- to the complainant. For conducting thorough investigation in the matter, his custodial interrogation is required, the case is at its nascent stage. It is well settled proposition of law that the custodial interrogation is more elicitation oriented rather than questioning a suspect who is well ensconed with a favourable order of pre-arrest bail. No exceptional or extraordinary

circumstance for extending benefit of pre-arrest bail has been made out in favour of the petitioner. Rather to unearth the truth, he is required to be interrogated. As such, it is held that petition does not deserve to be allowed. The same is accordingly dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

09.04.2025
Deepak Patwal

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