



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

CRM-M-16909-2025

Reserved on: 15th May, 2025

Pronounced on: 20th May, 2025

Ajay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Naveen Siwach, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J :-

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. 52 dated 29.12.2024 registered under Sections 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 238, 338, 336(3) and 340(2) of BNS added later on) at Police Station Cyber Crime, Fatehabad District Fatehabad.

2. As per the allegations, on 02/03.11.2024, the complainant received a call on his cell phone and the caller after confirming that he was speaking with the complainant, represented to the latter that a proposed for installation of a mobile tower in his agricultural land, had been approved by his company, and while disclosing the benefits of such installation, he asked the complainant, as to whether, he was interested for such installation. On



being induced by the said caller, the complainant gave his consent. On 04.11.2024, he received a WhatsApp message, whereby an approval qua installation of a mobile tower was sent to him in writing by one Jindal Tower Corporation. He was asked through WhatsApp to pay an amount of Rs. 2,350/- which were so sent to him. Thereafter, on one pretext or the other, and by making calls to him on different numbers, a sum of Rs. 2,53,600/- was got transferred from his bank account to different bank accounts by the persons who had been making calls to him with regard to installation of towers. The complainant realized that he was duped of his money, when on 24.12.2024, he received some photographs of ship ticket, generator sets, and some material qua installation of tower and uploading of the same on truck. He was asked to send another amount of Rs. 60,000/- on the pretext that the officers from the tower company were coming from Bangalore to convene a meeting with him. The complainant sent those photographs through WhatsApp to his brother and found that fraud was committed with him. The matter was reported to the police. After registration of FIR, investigation proceedings were initiated.

3. During investigation, bank accounts and call detail records of the phone through which calls were made to the complainant and bank accounts in which money got transferred from him, had been collected. The accused Ajay @ Bhalu and Maninder @ Monu were arrested on 23-01-2025. They suffered disclosure statements, which revealed that the petitioner was the main conspirator and it was he who used to publish advertisements on Facebook for installing mobile towers with intent to commit fraud and by using mobile numbers and bank accounts of the co-accused and on the basis



of fake documents, used to cheat public persons by making them part with their money. The petitioner was nominated as an accused. The other accused have also been arrested. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Fatehabad, which was dismissed vide order dated 24.03.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statements of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. Neither his bank account has been used in the occurrence nor any call had been made from his mobile phone. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him as no amount was received by him from the complainant. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Status report has been filed. It is argued by Deputy Advocate General, Haryana, that there are serious allegations against the petitioner. For eliciting information, as to the manner in which the offence was committed, for conducting deeper probe and for effecting recovery, the custodial interrogation of the petitioner is must. It is accordingly argued that the petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have been considered.

7. The petitioner by conniving with the co-accused and by using bank accounts and mobile phones of other persons/accused, is alleged to



have cheated/defrauded the complainant and to have caused wrongful loss to the tune of Rs.2,53,600/-. On being induced, the complainant continuously deposited different amounts of money into the account specified by the fraudster strictly adhering to their instructions. The allegations levelled against the petitioner reflect serious nature of the offences. Crimes of this nature, particularly cyber fraud, are currently on the rise and have become a growing menace in today's digital age. Innocent persons are targeted by the cyber criminals causing financial losses to them. A stringent approach to deter such offenders is necessitated as releasing the accused can embolden others involved in similar activities. The petitioner is alleged to committed several fraud by manipulation of technology and by inducing the complainant by deceit and exploitation. The gamut of the circumstances as culled out from the allegations does not call out for grant of benefit of pre-arrest bail. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must, since he is alleged to be the main conspirator/culprit. No extra ordinary or exceptional circumstance for grant of pre-arrest bail has even otherwise been made out. It is also well settled that the Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is 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

20th May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*