



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

329

CRM-M-19685-2025

Date of decision: 14th May, 2025

Shameem

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

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. 189 dated 23.12.2024 registered under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Cyber Crime, Ballabgarh, Faridabad, Haryana.

2. The aforementioned FIR was registered on the basis of a complaint lodged by the complainant Manisha Kumari, alleging that on 01.12.2024, she received a call on her cellphone number 935174329 from mobile No.9365174329, the caller asked her to give details of her account by saying that he was acquainted with her husband who had told him to transfer some money in her account. On being induced by him, the complainant opened her Phonepay account on her cellphone. The caller transferred an amount of Rs. 1/- in her account and asked her to check account balance and



to click on a link given in the message sent to her. As soon as, she clicked on the link, a sum of Rs. 98,529/- stood withdrawn from her account. Realising that she had been cheated, she lodged an online complaint. After registration of FIR, investigation proceedings have been initiated and are underway. During the course of investigation, it was revealed that the cellphone of the petitioner was used for the purpose of transfer of money from the bank account of the complainant and he had purchased gold worth the same amount from Ajio company by making online shopping. His e-mail ID was also found linked with Ajio company. In view of this fact, he was nominated as an accused. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Faridabad, which was dismissed vide order dated 19.03.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was neither named in the FIR nor his mobile phone number was mentioned. He is not beneficiary of the transaction. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana, that the investigation revealed that the gold was purchased from Ajio company through a mobile phone, which was registered in the name of the petitioner and the email ID given during purchase of the said gold also belonged to the petitioner and further that the Ajio company account was created from his mobile number and e-mail ID. This very cellphone was linked with the e-mail ID of the petitioner



for recovery SMS that belonged to the petitioner. Not even this, three more complaints qua committing fraud by use of the same mobile phone number, have been lodged. The petitioner along with some other persons has cheated the complainant by committing cyber crime. His custodial interrogation is must for eliciting information about the manner in which the crime was committed. No extra ordinary or exceptional circumstance has been made out for allowing the petition. Accordingly, it is urged that the petition does not deserve to be allowed.

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

6. The complainant was made a victim of the cyber crime at the hands of the petitioner and some other persons, whose names and identity is yet to be established and that is possible only by conducting thorough investigation in the matter and by interrogating the present petitioner. The case is still at its nascent stage. The allegations against the petitioner are serious in nature. His phone is alleged to have been involved in commission of other crimes also. For conducting thorough investigation in the matter and for eliciting information about the identity of the other persons involved in the offence as well as the manner in which the subject crime had been committed, custodial interrogation of petitioner is must. The petitioner is accused of committing a cyber fraud. Crimes of this nature are on the rise and have become a growing menace in today's digital age. Cyber criminals are using sophisticated methods to target public persons and institutions. A stringent approach for deterring offender is required. The gamut of above discussed circumstances does not call for grant of benefit of pre-arrest bail to



the petitioner which even otherwise is an extra ordinary remedy to be exercised in exceptional circumstances which do not exist in this case. Accordingly, the petition does not deserve to be allowed and is dismissed.

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

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

[MANISHA BATRA]
JUDGE

14th May, 2025
Parveen Sharma

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