2025:PHHC:067218

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

237

CRM-M No.20426 of 2025
Date of Decision: 19.05.2025

Sahil Malik ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kulvir Narwal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

***

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	**Dated**	**Police Station**	**Sections**
48	05.08.2024	Cyber Police Station Rohtak, District Rohtak	318(4), 336(3), 338, 340 and 61 of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS")

2. As per the allegations, on 07.06.2024, the complainant Pravesh Kumar received a link on his cell phone number via a Facebook share market group. He clicked that link that led to his inclusion in a Whatsapp group "357IIFL official Community". Ankur Kedia,

administrator of this group introduced the complainant to different investment concepts that included Initial Public Offerings and UC Stocks and thereby allured him to fetch substantial profits by making strategic share trading. On being so induced, the complainant agreed to participate in further trading activities. A further link was provided to him and clickiing of the said link initiated Whatsapp conversation with another phone number. Some other links were also sent to him and the same then resulted in downloading of an application named "IIFL Pro". On installing the same, the complainant was instructed to deposit different sums of money into two distinct bank accounts purportedly for the purchase of shares and the instructions so received through Whatsapp communication. The complainant transferred a sum of Rs.24,65,000/- from his two bank accounts to the accounts provided by the individuals who were operating the scheme. However, when he made attempt to withdraw the balance which was reflected in his account he got to know that the same could not be accessed. When he requested for return of his deposits, he was being threatened and was coerced to deposit additional amount of Rs.15 lakhs. By alleging that he had been cheated, a fraud was committed with him, he prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. During investigation, it was revealed that out of the defrauded amount, an amount of Rs.3 lakhs was deposited in IDFC bank account which was in the name of accused Mohd. Taufiq resident of Dehradun. A registered mobile phone was given in the said account. The call detail

records and details of consumer application form of the said mobile phone were obtained and it was revealed that the same belonged to one Mohd. Sakib. The accused Mohd. Sakib was arrested on 21.11.2024. He was interrogated and disclosed that he had given the details of his cell phone to accused Tausif and Sahib and his cell phone was registered with IDFC bank account for committing cyber fraud and in lieu thereof, he was given commission by co-accused Taufiq and Sahib.

4. As per the further allegations, the accused Taufiq and the present petitioner who was his partner, were arrested on 24.11.2024. The petitioner too suffered disclosure statement to the effect that accused Sahib who was his cousin brother, had disclosed to him that he along with co-accused Tausif was involved in the business of defrauding different persons on the pretext of investing money in share market and for that purpose, they needed some bank accounts and sim cards. He had told the petitioner to help them in providing some bank accounts and in lieu thereof they had agreed to give a sum of Rs.1 lakh for providing one account. He further disclosed that he had got opened accounts on the basis of fake documents on his phone number. He had credited a sum of Rs.30,000/- to account of accused Mohd. Taufiq out of the money received by committing cyber fraud. Investigation now stands completed and the petitioner has been challaned and charge-sheeted for commission of offences punishable under Sections 318(4), 336(3), 338, 340(2) read with Section 61(2) of BNS.

5. 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

co-accused Mohd. Taufiq that cannot be considered to be admissible in evidence. No money belonging to the complainant had been credited in his bank account. He himself had credited a sum of Rs,30,000/- in the bank account of Mohd. Taufiq who was running a mobile shop as he had to purchase a mobile phone. He has no hand in the crime. He is in custody since 24.11.2024. The trial will take considerable time to conclude. He has clean antecedents. With these broad submissions, it is urged that he deserves to be released on bail.

6. Reply has been filed. Learned Assistant Advocate General, Haryana has argued that there are serious and specific allegations against the petitioner who in connivance with the co-accused had been an active participant to commit cyber fraud. Infact he is the kingpin of the crime. There are chances of petitioner's fleeing or absconding if extended benefit of a bail. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of thereof. Accordingly, it is stressed that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. The petitioner along with co-accused is alleged to have committed the offence of cyber fraud by manipulation of technology by inducing innocent public persons to part with their hard earned money. Such like cases are on the rise and are required to be dealt with in a stringent manner. The allegations against the petitioner are serious in nature. The victim was duped of a huge amount of money. Keeping in view the gravity of the offences alleged to have been committed by him and taking into

consideration the above discussed facts, no ground is made out for extending benefit of bail to the petitioner. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. The same is, accordingly, dismissed.

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

(MANISHA BATRA)
JUDGE

19.05.2025
manju

Whether speaking/reasoned Yes/No
Whether reportable Yes/No