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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.21565 of 2025
Date of decision: 25.04.2025

Aman Kumar ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Anmol Singh, Advocate,
for the petitioner.

Mr. Vikram Singh, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0003	13.01.2023	Cyber Crime Haryana, Panchkula District Panchkula	419 and 420 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis of complaint lodged by the complainant Jatin Janeja alleging therein that

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an amount of Rs.4,95,000/- was transferred from his bank account in different bank accounts through UPI and he was made a victim of online fraud. After registration of FIR, investigation proceedings were initiated. It was revealed that an amount of Rs.1,50,000/- out of the aforementioned amount had been transferred from the bank account of the complainant to the bank account of the present petitioner via cashfree billdesk and the same was used by the petitioner. He was nominated as such. Apprehending his arrest, he moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Panchkula vide order dated 05.02.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. Infact he had taken loan for a sum of Rs.1,50,000/- from co-accused Nitish Kumar who got transferred money from some unknown bank account in his bank account by representing that the said account was also belonging to him. He does not have any criminal antecedents. He is ready to join the investigation. His custodial interrogation is not required. Accordingly, it is urged that he deserves to be extended benefit of pre arrest bail.

4. Notice of motion.

5. Mr. Vikram Singh, AAG, Haryana has advance notice of the petition and is ready to argue the matter. It is submitted by him that the allegations against the petitioner are serious in nature as he is a part of

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chain of persons involved in committing online frauds and had duped the complainant of a sum of Rs.4,95,000/-. To elicit information about the manner in which the crime was committed, to know about the identity of the other persons involved in the occurrence as well as for conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. It is also submitted that even otherwise no exceptional or extraordinary circumstance has been made out for allowing the petition. It is accordingly, urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner along with others is alleged to have caused wrongful loss to the complainant and has duped him by withdrawal of an amount of Rs.4,95,000/- through online method from the bank account of the complainant and by getting the same transferred in his bank account and in the account of other persons. The allegations against the petitioner are serious in nature. The case is at its nascent stage and has revealed his prima facie involvement in the crime. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances.

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The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. 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. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. 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 observations made hereinabove

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shall not be construed as an expression of opinion on the merits of the case.

25.04.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No