

**CRM-M-26216-2025****-1-****105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-26216-2025**

Date of Decision: 14.05.2025

Manish Kumar Singh

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nitin Sharma, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present second petition is for grant of anticipatory bail to the petitioner in a case FIR No.23 dated 25.06.2024, registered under Sections 419, 420, 120-B IPC and Sections 66C, 66D of IT Act, at Police Station Cyber Crime, Sector-5 MDC, Panchkula.

2. Succinctly the facts of the case are that FIR in the present case was lodged on the statement of the complainant, namely, Navneet Kumar. It was alleged that he works as Radiographer in ISGEC Company, Radour Road, Yamunanagar. On 22.03.2024, he received a call from mobile No.9838808151 on his mobile No.7206051982. The caller introduced himself from Indusind Bank. The complainant was told that there was an international flight logo on his credit card of Indusind Bank. He further told the complainant that if the same is not removed, he would be penalized for Rs.1,500/-. Due to the same, the complainant installed APK file of Indusind Bank as per his instructions. However, thereafter, several unauthorized transactions started from his credit card. He found himself cheated and thus, prayed for taking legal action against the culprits. On the registration of the

**CRM-M-26216-2025****-2-**

FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Panchkula praying for the grant of anticipatory bail. However after hearing both the sides, the learned Court dismissed the petition filed by the petitioner vide order dated 02.05.2025. Hence the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner is named in the FIR nor any overt act has been alleged against him. He submits that the complainant has compromised the matter with the other accused and it is also submitted that the co-accused have been granted regular bail. It is submitted that challan has already been presented in the case and hence, the petitioner is not required for the investigation. He, thus, submits that the petitioner be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner. He submits that rest of the co-accused were arrested and they have been granted bail. However, the petitioner is avoiding arrest and his custodial interrogation is required. He, thus, submits that the petition being devoid of any merits, deserves to be dismissed.



CRM-M-26216-2025

-3-

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. It is inferred that though the petitioner is not named in the FIR, however, during the investigation, his complicity was found. During investigation, Bablu Kumar, Sharvan Kumar, Nemdarganj, Gautam Kumar and Shahidul were found involved. Accused persons impersonated as Bank officials and duped the complainant by online fraud. It was found that all the accused in conspiracy with each other had impersonated as Bank officials. During the investigation of the co-accused, it has been found that they used to commit Cyber offence fraud with people at the instance of the petitioner, who used to provide them excel sheet and other facilities containing details, such as, names of customers, their mobile numbers and credit cards and used to send APK file via whatsapp, which was used to be forwarded to various persons in order to defraud them. It is, thus, evident that commission of *prima facie* offence has been found against the petitioner. Co-accused had been arrested, however, the petitioner is avoiding arrest and his custodial interrogation is required for the investigation of the case qua him.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction*



CRM-M-26216-2025

-4-

under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

9. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”



CRM-M-26216-2025

-5-

10. Hon'ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation qua the petitioner is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

13. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

14.05.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No