IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33400-2025
Reserved on: 01.09.2025
Pronounced on: 12.09.2025

Ashish @ Aashish Mitharwal ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Atul Gaur, A.A.G., Haryana.

****

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
13	15.01.2025	Cyber Crime Rewari	318(4) BNS (Section 61(2) BNS added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 18 of the bail petition, the petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

> "*3. That the facts leading to the registration of the FIR aforementioned are that the law was set in motion on the basis of a written complaint moved by complainant namely Sudhir Singh son of Sh. Balwan Singh, resident of village Jahidpur, Tehsil Kosli & District Rewari alleging that on dated 07.01.2025, victim received whatsapp call on his mobile no. 89302xxxxx from some person in the name of Mohit Handa from mobile no. 82604xxxxx and the person on the other side stated that you have been digitally arrested by Mumbai Police and it was further stated that you should check your whatsapp account which contains order regarding your digital arrest. One Krishan Gupta, by using your ID, has made act of money laundering worth Rs. 68,50,000/ by opening account with H.D.F.C. Bank, Mumbai and he is in custody of C.B.I. and your account details is required for us, upon which victim disclosed his account details and informed that he is maintaining two accounts and the person on the other side asked that you should transfer an amount of Rs. 16,000/ through U.P.I. No.*

Jyoti Sharma
2025.09.12 17:42
I attest to the accuracy and
authenticity of this order/judgment
High Court, Sector 1, Chandigarh

Ashishll Superyes and accordingly, victim transferred amount of Rs. 16,000/-at 13:53 hrs in the aforesaid UPI Account and after that they instructed him to go to Central Bank, Kosli and accordingly, victim went to Central Bank Branch, Kosli and he was asked to transfer an amount of Rs. 48,000/ in Account No. 501034947276 and accordingly, on the same day, victim transferred an amount of Rs. 48,000/- in NSDL Payments Bank Branch Parbha Devi Mumbai Account No. 501034947276. That on dated 09.01.2025, salary of the victim was credited in the account with Central Bank of India, Kosli and soon after credit of salary, Whatsapp calls from the aforesaid number were being received regularly and it was again stated that you should immediately go to Central Bank of Inida as amount as been credited in your account and we will make inquiry qua that amount and you should transfer an amount of Rs. 50,000/- in Account No. 500101014078904 with City Union Bank Jodhpur and if you have not made any fraud/forgery, then, whatever amount will be transferred by you, the same shall be received by you along with interest. Accordingly, victim transferred an amount of Rs. 50,000/- in aforesaid account no. 500101014078904. That on dated 10.01.2025, again, amount of Rs. 2,05,000/- was asked to be transferred in account no. 162501000120255 and accordingly, victim transferred the amount of Rs. 2,05,000/- in Federal Bank Moradabad Account 162501000120255. That on dated 11.1.2025, amount of Rs. 99,999/- was asked to be transferred in Account no. 7366000100056578 and accordingly, victim transferred amount of Rs. 99,999/- in aforesaid Account no. 7366000100056578 at 10:56 hrs in morning. Since 07.01.2025 to 12.01.2025 victim with his mobile no. 8930244877 no. regularly remained in contact on whatsapp calls with aforesaid mobile no. 8260491845 and it was stated to him that you are under digital arrest and you have not to go anywhere nor have to make any discussion with any one. Victim became fully mentally upset nor he made any discussion with any family member and on 12.01.2025 when friend of victim, namely, Sombir son of Mukhtiyar Singh, village Dharoli, District Jhajjar came to the house of victim, then, victim was found locked inside one room and when aforesaid Sombir tried to make discussion with victim, then, victim disclosed that you cannot meet me as I am under digital arrest. Aforesaid Sombir took phone of victim and had a talk and Sombir scolded the persons on other side, then, they disconnected the phone call and after that victim never received any phone call again. Now, it was revealed to the victim that he has been defrauded on-line worth Rs. 4,18,999/- Now, victim has been mentally disturbed a lot. Therefore, it is requested that details of aforesaid mobile number, UPI number and Account numbers be obtained and prompt and stern action against the persons involved in this group may be initiated so that no one else should met with such type of on-line fraud which has been meted with by the victim. Note:- Copy of digital arrest and account seize information sent to victim from aforesaid no. 8260491845 and details of the amount transferred are enclosed herewith. The copy of FIR No.13 dated 15.01.2025 is annexed herewith as ANNEXURE P-1. Complainant requested to take legal action against the said persons. On this, present FIR was registered.

Jyoti Sharma
2025.09.12 17:42
I attest to the accuracy and
authenticity of this order/judgment
High Court, Sector 1, Chandigarh

4. That during the course of the investigation it has been found that the amount of Rs.4,18,999/- was transferred in FIVE different-different bank accounts number and the details of the same are as under:-

Sr. No.	*Account number*	*Bank name*	*Amount*	*Account holder*
1.	*501034947276*	*NSDL Payment Bank*	*Rs.48,000/-*	*Sameer Sarkar*
2.	*500101014078904*	*City Union Bank Jodhpur*	*Rs.50,000/-*	*Sourabh Panwar*
3.	*7366000100056578*	*Punjab National Bank*	*Rs.99,999/-*	*Hansraj Gurjar*
4.	*110217485832*	*Canara Bank*	*Rs.16,000/-*	*Ashish Mithral*
5.	*162501000120255*	*Federal bank Moradabad*	*Rs.2,05,000/-*	*Babbu Ali*

5- That the Notice under section 91 Cr.P.C. was given to the branch manager of NSDL Payment Bank,City Union Bank Jodhpur, Punjab National Bank, Canara Bank, Federal Bank Moradabad regarding giving details of bank account 500101014078904, 7366000100056578, number 501034947276, 110217485832 and 162501000120255 respectively and its holder. Upon which, branch manager had provided the necessary details and it has been found that the aforesaid bank account was operated by Sameer Sarkar S/o Madan Sarkar R/o Khanpur, Sewai, West Bengal, Sourabh Panwar S/o Laxmi Narayan Panwar R/O 70A, Gali no 5 Shakti Colony, Ratanada, Jodhpur, Rahasthan, Hansraj Gurjar S/o Bala Ram Gurjar R/o Vijai Nagar, Nagaur Rajasthan, Ashish Mithrawal S/o Manroop R/o Dhani Nawori Haripura, Jhunjhunu Rajasthan, Babbu Ali s/o Anees Ahmad R/o Kailsa, Amroha Uttar Pradesh.

6- That during the investigation on dated 07.03.2025 after finding sufficient incriminating evidence against petitioner/accused namely Aashish S/o Manroop was got arrested as per the procedure established by law. Upon interrogation the aforesaid Ashish Mithral disclosed in his disclosure statement that he is studying in Disha Public School, Neem ka thana in 11-12 class where Co-accused Deepak So Bajrang Singh Rio Bhaav Singh Ki Dhani Khadra is also studying in aforesaid school and we are friends. In the month of July 2024 I went to Jaipur for taking a coaching classes where his uncle's friend already take a coaching there and I live with them. During this time, Co-accused Deepak and I used to talk. Who told me that you should open a Bank Accounts. When I came to Neem Ka Thana in between I opened my new account in Union Bank and told to Co-accused Deepak about it and after that, he said pack its kit and give it to the bus driver and I will take it in Jaipur. As per his instruction 1 prepared a gift pack and kept in the bus which co-accused Deepak took and sent me Rs. 2000/-. After that I told him that you had asked for Rs. 10,000/- so he told me that the limit of this account is low and you give me your Canara Bank Account then I will give you Rs. 10,000/-. On Deepak Insistence I opened my account in Canara Bank Neem Ka Thana and sent the kit to co-accused Deepak in the same way but, Co-accused Deepak did not send the

Jyoti Sharma
2025.09.12 17:42
I attest to the accuracy and
authenticity of this order/judgment
High Court, Sector 1, Chandigarh

> *money and then after I called him again and again then he sent me of R. 300/-after that I said to him that this is wrong, you have to send me more money then co-accused Deepak gave me the Mahendar Choudhary's Mobile No. 7851921910 who used to talk on whatsapp only, when I asked for money from him, he refused after talking once or twice, then co-accused Deepak sent me Rs. 1500/- more, after which when I asked for more money both of them refused by saying that give me an account of some other bank, they do not have the limit for which we will give you Rs. 10,000/-, Both of them message or talk on whatsapp. Now for many days he has not pickup my phone and neither does Mahendar pick up my phone. I did not tell this to anybody. My bank account no is 765602010007257 was of Union Bank Of India and SIM no. 9460847752 was also given to him and my another bank account no 110217485892 was of Canara Bankand SIM No. 7734898529 VI was given to him along with SIM. I spent the total amount of Rs. 3800/- that I got in three installments, I enquired about Mahendar Choudhary from Deepak whose name is also Balla and his father's name is Sitaram Choudhary who is also from Mamana Village district Jaipur. For the kind perusal of this Hon'ble High Court, the disclosure statement of accused/petitioner is attached herewith as Annexure R-1."*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

> "*8- That here reply is given point wise as per the order of Hon'ble High Court dated 07-07-2025:*
>
> *(A) That the total amount or value of proceeds involved in the present crime is Rs 4,18,999.*
>
> *(B) That during the investigation it was found out that the petitioner received Rs 16,000 in his bank account number 110217485892 of Canara Bank from the complainant. thereafter he received Rs 3800 as a commission from the co-accused for providing his bank account.*
>
> *(C) That till now Rs 1500 has been recovered from the co-accused Deepak and remaining amount is still to be recovered from the accused*

Jyoti Sharma
2025.09.12 17:42
I attest to the accuracy and authenticity of this order/judgment
High Court, Sector 1, Chandigarh

persons.

(D) That till now no recovery is done from the petitioner.

(E) That the main role of petitioner is that he is a account holder in Canara Bank having account number 110217485892 in which Rs 16,000 of the complainant got credited. The petitioner is also a account seller and sold to co-accused Deepak for which he has received commission of Rs 3800.

(F) That the main evidence against the petitioner is that he is having account in Canara Bank having account number 110217485892 in which Rs 16,000 of the complainant got credited. The petitioner is also an account seller, sold to co-accused Deepak for which he has received commission of Rs.2800.

G) That the main role of petitioner is that he is a account holder in Canara Bank having account number 110217485892 in which Rs 16,000 of the complainant got credited. The petitioner is also an account seller and sold to co-accused Deepak for which he has received commission of Rs 3800.

(H) That there are no criminal antecedents against the petitioner.

12- That all the Account used in present crime have been freezed and till now no recovery is done from any accused. There are total 7 accused involved in present crime and out of which 6 accused namely Aashish Mitharwa, Saurabh Pawar, Budh Raj, Babu Ali, Mohammad Shakur and SheelChander were arrested and are in judicial custody and one co-accused namely Deepak Singh is on interim-anticipatory bail granted by this Hon'ble High court vide order dated 21.05.2025 and the same was fixed for 17.07.2025 of which the order is not yet uploaded. It is also pertinent to mention here that till now 3 accounts used in cyber-crime are verified but still 2 more accounts used in cyber-crime has to be verified."

8. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 13 of the bail petition, the petitioner has been in custody since 07.03.2025. Per the custody certificate dated 30.08.2025, the petitioner's total custody in this FIR is 05 months and 23 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, petitioner having clean antecedents and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. The petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

Jyoti Sharma
2025.09.12 17:42
I attest to the accuracy and
authenticity of this order/judgment
High Court, Sector 1, Chandigarh

11. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

12. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. This order is subject to the petitioner's complying with the following terms.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

16. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

17. ***This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which***

Jyoti Sharma
2025.09.12 17:42
I attest to the accuracy and
authenticity of this order/judgment
High Court, Sector 1, Chandigarh

<u>shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.</u>

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025), in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

20. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.

Jyoti Sharma
2025.09.12 17:42
I attest to the accuracy and
authenticity of this order/judgment
High Court, Sector 1, Chandigarh