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

2025:PHHC:175582

CRM-M-35280-2025 (O&M)

Lucky ... Petitioner

Vs.

State of Haryana ... Respondent

1.	The date when the judgment is reserved	01.12.2025
2.	The date when the judgment is pronounced	17.12.2025
3.	The date when the judgment is uploaded on the website	17.12.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajat Mor, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Mr. Jagdish Manchanda, Sr. Advocate with
Mr. Nischal Chetanya Manchanda, Advocate,
Mr. Dinesh Chaudhary, Advocate and
Er. Vikram Singh, Advocate for the complainant.

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MANISHA BATRA, J (ORAL)

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking grant of regular bail in case arising out of FIR No.38 dated

31.01.2025, registered under Sections 308(2), 318(4), 319, 336(3), 338, 340 of the BNS (Sections 61(2), 3(5), 241 of the BNS and Sections 66C, 66D of the Information Technology Act were added later on), at Police Station Cyber Crime, West Gurugram, District Gurugram.

2. The aforementioned FIR was registered on the basis of complaint lodged by complainant, Dr. Anita, a retired Principal, alleging that on the evening of 03.01.2025, she had received a call on her cell phone. The caller told her that several complaints were registered against her for violation of illegal advertisements and sending harassing messages and an FIR was registered against her. She was also informed that three cell phone numbers, which she was using would be blocked within short time. She also started receiving video calls from different numbers on her whatsApp and the callers told her that a bank account had been opened by her in favour of a person, who was accused of money laundering and committing frauds and she would be sent to jail for 14 years. She was forbidden from disclosing these facts to her family members under the threat that they would also be put to jail and their bank accounts would be frozen and that they would be mentally and physically tortured. She was forced to transfer a total amount of Rs.3,03,00,000/- from her bank accounts to different bank accounts, the numbers of which were disclosed by the callers. She was kept under virtual digital arrest till the transfer of the abovesaid amount and was not even made to leave her room. She was made scared of her life. Last video call was made to her on 31.01.2025, whereby threats were again extended to her.

3. As per the further allegations, during the course of investigation, it was found that an amount of Rs.62 lakhs was transferred

from the account of the complainant to the account of one M/s Param Enterprises, Surat. From the said account, an amount of Rs.9.95 lakhs had been transferred in the account one Prince Just. The said Prince Just was joined into investigation on 03.02.2025. He was formally arrested and disclosed that he had sold his bank account to his friend, namely, Jaswinder for a sum of Rs.20,000/- and also told about withdrawal of the money from the said account. He also disclosed about complicity of the petitioner in the crime. Accused Jaswinder and the present petitioner were arrested on 03.02.2025. The petitioner also suffered disclosure statement admitting his involvement in the crime by disclosing that he was working as a Pantry Boy in Axis Bank, Ladwa Branch. He had obtained self withdrawal cheque of Rs.5 lakhs in the name of accused Prince Just from the accused Jaswinder at the instance of the latter and withdrawn the aforementioned amount in lieu of a sum of Rs.5000/- and gave the remaining amount to accused Jaswinder. He also got recovered his cell phone. The investigation now stands completed.

4. 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 the co-accused, which cannot be considered to be admissible in evidence. He is not the beneficiary of any transaction. Neither his bank account had been used in the commission of the subject crime nor he had any other involvement. He was simply acquainted with co-accused Jaswinder, who had requested him to assist in encashing a cheque for a sum of Rs.5 lakhs, which according to him was a loan taken from one Prince Just for sending his son abroad. Believing the version of co-accused Jaswinder to be true, he

had withdrawn the above said amount and had handed over the same to accused Jaswinder in cash. It was accused Jaswinder, who was the main conspirator. He had no knowledge about the cyber fraud committed with the complainant. He is in custody since 03.02.2025. Trial will take considerable time to conclude. He has clean antecedents. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

5. Status report has been filed. Learned State counsel assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner and prove his prima facie participation in the crime. He in connivance with the co-accused had duped the complainant of huge amount of money. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. It is, thus, urged that the petition does not deserve to be allowed.

6. I have heard rival submissions made by learned counsel for the parties at considerable length and have gone through the record.

7. The petitioner along with the co-accused is alleged to have hatched a conspiracy to commit online fraud/cheating by inducing public persons to part with huge amount of money and in pursuance thereof, co-accused by extending threats to the complainant had caused wrongful loss to the tune of Rs.3,03,00,000/- to her by making her transfer this much amount in different bank accounts. The allegations reveal active and prima facie participation of the petitioner in the crime. The allegations against the petitioner are serious in nature. Such like cases are on rise and everyday one hears about innocent public persons being duped of their hard earned money.

The apprehension raised by the respondent that he may commit similar offences or abscond cannot be stated to be unfounded at this stage. Keeping in view the nature of the allegations as levelled against the petitioner, quantum of sentence which the conviction may entail and the attendant facts, but without meaning to make any comment on the merits of the case lest they prejudice the trial in any manner, this Court is of the opinion that the petitioner does not deserve to be released on bail. Accordingly, this petition is dismissed.

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

(MANISHA BATRA)
JUDGE

17.12.2025
harjeet

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