IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(221) CRM-M-38129-2025 (O & M)
Date of decision: 16.09.2025

Ashish Sen .... Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Siddharth Sihag, Advocate, for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

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<u>JASJIT SINGH BEDI, J. (Oral)</u>

The prayer in this petition under Section 483 BNSS, 2023 is for the grant of the regular bail to the petitioner in case FIR No.129 dated 14.11.2004 under Sections 318(4) and 61 of BNS, 2023 registered at Police Station Cyber Crime, Hisar.

2. The present FIR came to be registered at the instance of Sahil Sardana and reads as under:-

> *Today, on 14.11.2024, a complaint 21311240049436 dated 14.11.2024 has been received on NCCRP Portal from complainant Sahil, the contents of which are, "Sahil Sardana S/O Shri Ashwani Kumar resident of House No. 172, Sector 13, Hisar, District Hisar has been defrauded with a total amount of Rs.2 crores from my account No. 50100218265090 Sahil Sardana S/O Sh. Ashwani Kumar resident of House No. 172, Sector 13. Hisar, District Hisar has been defrauded with a total amount of Rs. 2 crores from my account number 50100218265090, whose preliminary investigation was conducted by PSI VINOD KUMAR, P.S. Cyber Crime. Hisar. The statement of the complainant was written pertaining to this complaint, the contents of which are, Statement of Sahil Sardana S/o*

Ashwani Kumar R/o 172, Sector 13, Hisar, Mobile No. 9996008523, Education: MBA. Stated that I am resident of the abovementioned address and I have shop named Rigal Tailor in Hisar. On 03.10.2024 I had seen an advertisement of Stock Market Trading on Google, on which when I had clicked then the website of MetaGoTrade had got opened. When I had clicked join now on it and had registered on that website then a message was received on my WhatsApp No. 9996008523 from WhatsApp No. 1(505)6775065. He had told that I am your Advisor and my name is Tracy Clarke. Subsequently, she had made me join the SILVER MEMBERSHIP 61244 WhatsApp Group in which besides me there were four persons 1(256)962-3243(BRYAN CAMERON) Admin. 1(971)280-7153 (paul j tudor) Admin, 4571469674 (Morten Denmark) and 7987422-68-34 (Vanessa_J). After this both the Admins of the abovementioned WhatsApp Group had together got done trading by me one by one. On 08.10.2024 they had said to start trading with Rs. 9 lakhs and had sent Bandhan Bank's account No. 20100031598360 in which on the same day I had transferred Rs. 09 lakhs from my HDFC Bank's account No. 50100218265090. After this they had told that you will have to complete 3-4 sessions in one day. Subsequently, on 08.10.2024 they had asked to complete another session of Rs. 9 lakhs and had sent Bandhan Bank's account No. 20100029259600, in which I had transferred Rs.9 lakhs from my HDFC Bank's account No. 50100218265090, as said upon by them. After this on the same day they had asked me to complete the third session of Rs.739925/- and had sent Bandhan Bank's account No. 20100029259600, on which I had transferred Rs. 739925/- from my HDFC Bank A/c No. 50100218265090. After this they had asked me to *complete the fourth session of Rs. 840200/- on the same day and had sent Bandhan Bank's account No. 20100031694042, on which I had transferred Rs. 840200/- from my HDFC Bank A/c No. 50100218265090. As I had been completing each session, my profit was shown in dollars on the website's account. Subsequently, on 10.10.2024, they had got transferred Rs. 7.5 lakhs from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152, in the name of trading. On 10.10.2024 Rs. 08 lakhs were got transferred from my HDFC Bank's A/c No. 50100218265090 to Bank of Maharashtra's A/c No. 50487170152. On 10.10.2024 Rs. 425209/- were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 19.10.2024 Rs. 7.5 lakhs were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 19.10.2024 Rs. 238646/- were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 22.10.2024 Rs. 998000/- were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 22.10.2024 Rs. 995000/- were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 22.10.2024 Rs. 990000/- were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 19.10.2024 Rs. 990700/- were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 29.10.2024 Rs. 01 lakh was got* *transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 30.10.2024 Rs. 990000/- were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 30.10.2024 Rs. 9.1 lakhs were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 30.10.2024 Rs. 9.5 lakhs were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 30.10.2024 Rs. 927847/- were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 30.10.2024 Rs. 989000/- were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 31.10.2024 Rs. 09 lakhs were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 31.10.2024 Rs. 6.11 lakhs were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No. 60487170152. On 31.10.2024 Rs. 04 lakhs were got transferred from my HDFC Bank's account No. 50100218265090 to Bank of Maharashtra's A/c No.60487170152. Subsequently, my balance of 974872.50 dollars was started showing in my website's account. After this when I had tried to withdraw this amount, then they had demanded 10% advance in the name of payment withdrawal. I had been requesting them for withdrawing my money up to few days. After that I got suspicious perhaps I have been defrauded. Thereafter, I had gone to P.S. Cyber Crime and had got registered* *my complaint. Sir, the aforesaid persons had done cheating with me by alluring me of trading and from 08.10.2024 to 31.10.2024 they have misappropriated my total Rs. 17095527/- Strictest action may please be taken against the accused and my money may be got returned from them. I have got A written my statement, read and found to be correct. SD-SAHIL.*

3. After registration of the FIR, the money trail was traced out and it transpired that the amount of the complainant was directly transferred into 4 Bank accounts. Thereafter, the said amount was transferred in multiple bank accounts situated all over India, i.e. in around 93 bank accounts and in 15 Layers. ATM withdrawals were found to have occurred in a foreign country, specifically Dubai, as well as in several locations across India. These locations include Kalpetta, Thirunavaya in Malappuram (Kerala), Kanpur, Varanasi (Uttar Pradesh), Guwahati (Assam), Bhopal (Madhya Pradesh), and Ahmedabad (Gujarat).

The details of Bank of Maharashtra bearing account 60487170152 were obtained, and perusal of the same revealed that an amount Nos. 1,66,53,402/- was deposited therein. The account holder was found to be Surya Traders, operated by accused Zaid A. Munaf Pathan S/o Munaf Pathan, resident of 717, Sukrawer Peth, Ajoba Ganpati, Solapur, Maharashtra (Bail petition argued and withdrawn vide order of the even date in CRM-M-45762-2025). The location of the mobile number registered with the said account was obtained. On that basis, accused Zaid A. Munaf Pathan was apprehended and arrested on 29.11.2024 in District Solapur, Maharashtra.

During the investigation, it was found that an amount of Rs. 16,39,925/- had been transferred from the complainant's bank account to the Bandhan Bank Account No. 20100031598360. On 03.01.2025, the record of the said account was obtained, revealing that it was registered in the name of M/s Vijay Traders, operated by accused Vijay Kumar Ahirwar, son of Purushotam Ahirwar, resident of village Naryawali, District Sagar, Madhya Pradesh.

On 03.01.2025, accused Vijay was arrested from Village Naryawali, District Sagar, Madhya Pradesh. He disclosed that the account had been opened by Ashish Sen (petitioner) for the purpose of committing cyber fraud. On the basis of this information, accused Ashish Sen S/o Purushotam Sain, resident of 15/2 Rajjakheri Adinath, ward number 13, Near Geetanjali Marriage Place, Makronia, District Sagar, Madhya Pradesh, was apprehended from Sagar, Madhya Pradesh. He disclosed that his friend Rajeev Ranjan (since granted bail vide order dated 07.07.2025, Annexure P-5), had informed him about a group engaged in exchanging cyber fraud amounts by using the bank accounts of other persons, for which they paid Rs.2,00,000/- per account after the work was done, along with a commission of Rs.20,000/- for the introducer. Ashish Sen disclosed that Rajeev Ranjan had arranged a call with Sonu @ Amit Sharma, who provided him with mobile number 9216661053. Thereafter, he (Ashish Sen) visited Bhilwara, Rajasthan, where he met Sonu Sharma, who further introduced him to Aasif Khan, Hasim (resident of Bhilwara), and Shahrukh (resident of Bhilwara). Sonu Sharma informed him that they would pay Rs.1,00,000/- per current account to the account holder, Rs.20,000/- to Rajeev Ranjan, and Rs.80,000/- to him as commission. After opening the current account in the name of Vijay, he (Ashish Sen) handed over the complete account kit to the aforesaid accused persons and received Rs.1,92,000/-, out of which Rs.20,000/- was given to Rajeev Ranjan and Rs.87,000/- to Vijay as commission.

On 03.01.2025, accused Rajeev Ranjan S/o Shri Janardhan Parsad, resident of Ramji, Dheegha Brahm Ashthani Gali, Patna Batagang, Bihar, now in front of Sant Ravidas community centre, Makronia Khurd, Baheria Sahani, District Sagar, Madhya Pradesh, was also arrested. In his disclosure statement, Rajeev Ranjan admitted his involvement in the cyber fraud.

Upon completion of the investigation, on 27.01.2025, a challan against accused Rajeev Ranjan, Zaid A. Munaf Pathan, Vijay Kumar Ahirwar, and Ashish Sen was presented before the Trial Court for offences under Sections 318(4) and 61(2) of the BNS and charges against them were framed by the Trial Court vide order dated 21.03.2025 for commission of offences punishable under sections 318(4) and 61(2) of the BNS.

During further investigation, the bank account details of Bandhan Bank Account No. 2010031694042, registered in the name of M/s Jai Majisa Hair Saloon, Jodhpur, were obtained. It was found that Rs.8,40,200/- was transferred by the complainant in this account on 08.10.2024, and on the same day, amounts of Rs.1,50,000/- & Rs.3,08,000/-, i.e. total Rs.4,58,000/- were transferred from the said bank account to Bank of Baroda Account No.38760200000668 of RV Enterprises, Rajkot, Gujarat.

The Bank of Baroda account was found to be registered in the name of the accused Sahil Shorthiya S/o Mahendra Bhai, (bail petition argued and withdrawn vide order of the even date in CRM-M-39390-2025) resident of Shri Nathji Park, Dharti Banglow, Gali number 3, Block number 21, Ramdhan Mavdi, Police Station Rajkot Taluka, District Rajkot, Gujarat.

On the basis of the aforesaid evidence, Sahil Shorthiya was arrested on 11.06.2025. In his disclosure statement, he admitted that he had opened the said bank account on the instructions of one Neerav, from whom he received Rs.40,000/- for the purpose. He also admitted being aware that the account would be used for receiving fraudulent funds.

After completion of the investigation, a supplementary challan against the accused Sahil Shorthiya was submitted before the Ld. Trial Court on 08.08.2025.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Taking the allegations to be correct, he has only opened the bank account through which funds have been transferred for which he has received a commission. A co-accused/Rajiv Ranjan has been granted the concession of bail. As the petitioner is in custody since 03.01.2025 but none of the 20 prosecution witnesses has been recorded so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, while referring to the status report dated 15.08.2025 contends that the petitioner had opened a fictitious bank account in the Bandhan Bank in the name of M/s Vijay Traders operated by Vijay Kumar Ahirwar. A sum of Rs.16,39,925/- had been transferred from the complainant's bank account to the said bank account. As per investigation, he has received approximately a sum of Rs.2,00,000/- for opening the said account. As regards parity, he

contends that the allegations against co-accused/Rajiv Ranjan who has been granted the concession of bail are only to the effect that he had disclosed to the petitioner-Ashish Sen that there was a group of people engaged in committing cyber fraud pursuant to which Ashish Sen had met one Sonu @ Amit Sharma who had further introduced him to Aasif Khan, Hasim and Shahrukh. For the information supplied by Rajiv Ranjan, he received a sum of Rs.20,000/- and therefore, the case of the petitioner is on a different footing from that of Rajiv Ranjan and, even though, Rajiv Ranjan has been granted the concession of bail, the petitioner is not entitled to the concession as prayed for.

5. I have heard the learned counsel for the parties.

6. A perusal of the facts on record would reveal that the petitioner opened a bank account in the name of M/s Vijay Traders operated by Vijay Kumar Ahirwar into which a sum of Rs.16,39,925/- has been transferred from the complainant's bank account to the said account. Quite apparently, the petitioner was an essential cog in the wheel for perpetuating the cyber fraud. The case of Rajiv Ranjan is on a different footing inasmuch as he has only told the petitioner regarding a group of people engaged in committing cyber fraud pursuant to which the petitioner spoke with Sonu @ Amit Sharma on the phone arranged by Rajiv Ranjan. For the services provided by Rajiv Ranjan, he received a sum of Rs.20,000/-. As against this, the petitioner received a commission of Rs.2,00,000/- for opening the fictitious bank account which he allowed to be operated by another person. Thus, apparently, the case of the petitioner is on a different footing from that of his co-accused/Rajiv Ranjan.

7. Though, the present case is triable by the Court of a Magistrate, however, it cannot be lost sight of that cyber frauds are ever increasing and such offences must be considered a class apart. Therefore, such accused must not be granted bail unless there is a significant delay in the conclusion of the Trial, particularly, when the investigation qua some of the accused is still pending.

8. In view of the above discussion, I find no merit in the present petition and the same stands dismissed.

9. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date fixed before it.

10. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

September 16, 2025
sukhpreet

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