IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

107 **CRM-M-40443-2025**
Date of decision: 29th July, 2025

Pankaj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Prateek Singh, Advocate for the petitioner.

Mr. Apoorv Garg, Additional Advocate General, Haryana.

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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 26 dated 28.06.2024 registered under Section 420 of IPC at Police Station Cyber Crime, Panchkula.

2. The aforementioned FIR was registered on the basis of a complaint lodged by the complainant Rupinder Kaur alleging therein that on the morning of 13.02.2024, she had received a call on her cellphone from an international number, the caller while pretending to be a relative of the complainant, told her to transfer an amount of Rs. 6,00,000/- by saying that he was in need of immediate financial assistance. Thereafter, he threatened her with dire consequences if the aforementioned amount was not transferred. She was made to transfer the money in the bank account

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disclosed by the caller. She did so under continuous threats given by him. She was even made to borrow money from her relatives and acquaintances. She was made to pay a total amount of Rs. 5,99,000/- by way of cheque, cash deposits and Gpay. The same caller called her the next day and demanded an additional amount of Rs. 9,00,000/-. While realising that she had been cheated and defrauded, she reported the matter to the police. After registration of FIR, investigation proceedings were initiated. During investigation, co-accused Chirag Mongia, Sahil and Mohit Chaudhary were arrested. They suffered disclosure statements on the basis of which other co-accused namely Yash Sharma, Bir Singh and Ram Saran were nominated. Accused Bir Singh and Ram Saran were arrested and they too suffered disclosure statements on the basis of which the present petitioner was nominated as an accused. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which was dismissed by the Court of learned Additional Sessions Judge, Panchkula vide order dated 22.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statements of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. There is no material to show that he had derived any benefit from any transaction. Neither any money was transferred in his account nor his bank account had been used. The bank account through which the money of the complainant had been deposited and transferred further, did not belong to him. He has no criminal antecedents. No recovery has been effected from him. He has been made a scapegoat. His custodial interrogation is not required. He is ready to join the investigation and to

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abide by the terms and conditions. It is, therefore, argued that he deserves to be extended benefit of pre-arrest bail.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by him that the instant one is the case of cyber crime. The petitioner in connivance with the co-accused had deprived the complainant of a huge amount of money and had caused wrongful loss to her thereby cheating her. His active participation in the said crime has been revealed. The co-accused Ram Saran whose bank account had been used for transfer of some part of the money extracted from the complainant disclosed that he had provided his bank account to the petitioner and co-accused Rahul. The custodial interrogation of the petitioner is must for conducting thorough investigation in the matter. Online fraud has been committed with the victim. No exceptional ground for grant of anticipatory bail has been made out. It is, therefore, argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have connived with the members of a gang involved in committing online frauds/ cheatings and is alleged to have induced other co-accused to provide their bank accounts in lieu of some money, those very bank accounts has been used for the purpose of transferring money received from the complainant. For the purpose of conducting deeper probe and thorough investigation to elicit information as to how the bank accounts as provided to other accused in-connivance with

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the petitioner had been used and also to elicit information about the identity of the co-accused and the manner in which the subject crime had been committed, the custodial interrogation of the petitioner is must. It is well settled that 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. 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 the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

29th July, 2025
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No

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