



CRM-M-42290-2025

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

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CRM-M-42290-2025

Date of decision: 27.08.2025

Anand Singh

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Abhilaksh Grover, Advocate for the petitioner.

Mr. Deepak Grewal, DAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita for grant of regular bail to the petitioner in case bearing FIR No.3 dated 21.02.2025, registered for the offences punishable under Sections 318(4), 61-B and 238 of BNS, 2023 at Police Station Cyber Crime Narnaul, District Mahendergarh.

2. The gravamen of the FIR in question pertains to defrauding the complainant namely Vishwas Rao, son of Umed Singh, resident of Shivaji Nagar, Mahendragarh, who alleged that he received a message on his Telegram ID on 13.12.2024 offering a part-time online job. Accordingly, he joined a Telegram group where he was lured into transferring money with promises of high returns. Thereafter, on 13.12.2024, the complainant transferred ₹10,000 via Google Pay from his PNB account (No. 3335001500030265) but no return was given. On further instructions, the complainant on 14.12.2024 again transferred ₹59,716.33 from the SBI account (No. 36996852864) of his relative to Bank of Maharashtra A/c No. 6051717591 (IFSC MAHB0000048). Later, the accused gave the



complainant their WhatsApp numbers 8112453814 and 9986382410 for communication. Subsequently, the complainant was asked to deposit more money to receive “profit.” Following their instructions, the complainant transferred various amounts i.e. ₹35,000 and ₹11,043.25 from his PNB account; ₹49,000 from his SBI account (No.40748457254) to Bandhan Bank A/c No.2020071628743 (IFSC DDBL0001011) and ₹50,000 from his wife’s PNB account (No. 3335000102275814) to AU Small Finance Bank A/c No. 2011218228918475 (IFSC AUBL0002515). Despite these payments, no returns were made and the accused blocked his WhatsApp. The complainant alleged that, in total, he was defrauded/cheated with sum of ₹2,14,759.58 by an unknown person. Thereafter, the accused (fraudsters) blocked the contact of the complainant and stopped responding whereinafter he lodged an online complaint (No. 31312240068839) through toll-free number 1930. On these set of allegations, the instant FIR was lodged against the unknown person for committing online fraud and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 27.02.2025 and is not involved in any other case. Learned counsel has further iterated that the arrest of the petitioner rests solely upon the disclosure statement of co-accused. Furthermore, a false disclosure attributed to the petitioner was allegedly recorded by the Police on 28.02.2025 and 02.03.2025, showing recovery of a car and a sum of Rs.1.00 lac from his possession, which is nothing but a fabricated version. According to learned counsel, the complainant and his wife namely Deepika, while appearing as PW-2 and PW-3, have turned hostile in their depositions recorded on 21.07.2025 which demolished the substratum of the prosecution case. Furthermore, the investigation stands concluded; the



challan under Section 193 of BNSS was presented on 18.04.2023 and charges were framed on 07.05.2025. Out of 18 prosecution witnesses, only 03 have been examined so far. Learned counsel has canvassed that the trial is like to take considerable time and the continued incarceration of the petitioner serves no fruitful purpose, especially when further custodial interrogation is not required. On the basis of aforesaid submissions, the grant of instant petition is entreated for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature. Learned State counsel has referred to the status report dated 22.08.2025 by way of an affidavit of Suresh Kumar, HPS, Deputy Superintendent of Police, Narnaul, District Mahendergarh, relevant whereof reads as under:

“18. That during investigation, it has been established that co-accused Narender Kumar @ Veeru used to procure accounts and provide to the main accused namely Anand Singh i.e. the petitioner. He used to provide account against consideration and fixed percentage out of the amount transferred in the said provided bank account, as a result of cyber fraud. It revealed that six bank accounts were provided by the co-accused US. Pawan Saini to co-accused Narender Kumar @ Veeru and against the same, he paid Rs.90,000/- to said co-accused Pawan Kumar Saini and co-accused Narender Kumar @ Veeru further sold the said account to Anand Singh i.e. the petitioner against consideration of Rs.30,000/- for each account and settling the commission at the rate of 3% of the amount transferred in the said account. The petitioner was in touch of the other accused through Whatsapp and on perusal of the Whatsapp chat, it revealed that there was exchange of details of the accounts and their login password and profile password etc. During investigation, Whatsapp chat of the mobile phone of the petitioner and other co-accused were checked and it was found that petitioner was in touch with other co-accused and details of various accounts were provided by them to each other.

19. That cyber crimes are increasing day-by-day and by alluring the innocent persons, the accused who are having knowledge of the cyber technology are committing frauds and cheating the public. As per settled



law, there can be no leniency while dealing with bail application of cyber thugs in the matters of cyber crime. Cyber criminals must be dealt with stern hands. The CDRs of the petitioner and co-accused persons were obtained and it was found that the petitioner and all co-accused persons were in direct touch and they were having conversation with each other. Merely presentation of challan ipso- facto cannot be considered as a ground to grant concession of bail to the petitioner when he is found involved in commission of Cyber fraud of Rs. 2,14,759/- thereby causing wrongful loss to the complainant Vishvas Rao and wrongful gain themselves and other co-accused persons. The grant of the bail to the petitioner at this juncture may hamper the further investigation and arrest of the remaining accused who are involved in this scam.”

Learned State counsel has further submitted that the petitioner is facing trial in a serious case involving online financial fraud of more than Rs.2,14,000/-, where multiple victims have been cheated under the pretext of online job offers and false assurances of profits. Learned State counsel has urged that the gravity of the offence, coupled with its growing menace in the Society requires a strict approach by the Court. It has been further submitted that although the challan has been filed and charges have been framed, the trial is still at its nascent stage. Grant of bail at this stage would create a real apprehension that the petitioner may tamper with the remaining witnesses, especially considering that the complainant and his wife have already turned hostile. Furthermore, learned State counsel has submitted that the economic offences, particularly those involving cyber fraud and cheating are to be treated strictly since they erode public trust and cause widespread harm to innocent citizens. On the basis of these submissions, the dismissal of the instant petition is prayed for.

5. I have heard learned counsel for the rival parties and have perused the available record.



6. Indubitably serious allegations have been levelled against the petitioner which relate to an online financial fraud wherein the complainant was induced to transfer large sums of money under the pretext of investment and assured returns. The total cheated amount comes to Rs.2,14,759.58/-. The gravity of the offence cannot be minimized as such frauds are increasingly rampant and cause significant financial as well as psychological distress to innocent victims. Furthermore, the economic offences, particularly those involving fraud and cheating constitute a distinct category of crime and must be viewed with great seriousness.

7. The contention of the petitioner that his disclosure statement is false is a matter of defence and can only be adjudicated upon during trial. At this stage, the recovery shown from him coupled with the nature of allegations *prima facie* points towards his complicity.

8. It is also not disputed that the trial is still in progress and out of 18 witnesses only 03 have been examined so far. The possibility of the petitioner influencing or pressurizing the remaining witnesses cannot be ruled out especially when material witnesses have already turned hostile. Furthermore, an argument has been advanced on behalf of the petitioner that since the material prosecution witnesses, namely the complainant and his wife Deepika, who appeared as PW-2 and PW-3, have resiled from their previous statements and turned hostile, the petitioner is entitled to concession of bail. However, this Court is unable to accept such contention at this stage. Indubitably, the mere circumstances of prime witnesses having turned hostile does not, *ipso facto*, result in their testimonies being effaced from the record or being discarded in *toto*. Their depositions are still a part of the evidentiary material and remain subject to scrutiny in light of other



evidence that may be adduced by the prosecution. It is trite law that mere hostility of a witness does not obliterate the substratum of the prosecution case, nor not does it, by itself, confer a right of bail upon the accused, particularly in matters concerning economic offence of serious magnitude. A profitable reference in this regard is made to the judgment passed by the Three Judge Bench of the Hon'ble Supreme Court titled as ***Bhagwan Singh vs. State of Haryana, 1976 AIR Supreme Court 202***, relevant whereof reads as under:

“8. xxxxxxxxxxxxxxxxxxxxxxxxx. *The prosecution could have even avoided requesting for permission for cross-examine the witness under Section 154 of the Evidence Act. But the fact that the Court gave permission to the Prosecutor to cross examine his own witness. Thus, characterizing him as, what is described as a hostile witness, does not completely efface his evidence. The evidence remains admissible in the trial and there is no legal bar to base a conviction upon his testimony if corroborated by other reliable evidence.*”

8.1. Still further, the Hon'ble Supreme Court in case titled as ***Koli Lakhmanbhai Chanabhai vs. State of Gujrat, 2000(1) RCR (Criminal) 26***, has reiterated that even if a witness turns hostile, the portion of evidence which is credible and corroborated can still be acted upon. The relevant para of the said judgment reads thus:

“5. xxxxxxxxxxxxxxxxxxxxxxxxx. *It is settled law that evidence of hostile witness also can be relied upon to the extent to which it supports the prosecution version. Evidence of such witness cannot be treated as washed off the record. It remains admissible in the trial and there is no legal bar to base his conviction upon his testimony if corroborated by other reliable evidence.*”

Thus, the hostility of PW-2 and PW-3 at this stage cannot, by itself, be treated as a ground for bail. The appreciation of their testimony vis-à-vis other prosecution evidence is a matter which falls within the jurisdiction of the trial Court. At the stage of bail, this Court cannot



undertake an appreciation of evidence or presume acquittal merely because certain/material witnesses have resiled from their earlier statements. The grant of bail falls within the discretionary domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail at this stage.

9. In view of above ratiocination, it is directed as under:

- (i) The instant petition, being devoid of merit, is hereby dismissed at this stage.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

August 27, 2025

Ajay

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