



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

**CRM-M-48577-2024
Decided on:01.03.2025**

Anirudh

...Petitioner

Versus

State of Haryana

...Respondent

Coram : Hon'ble Mrs. Justice Manisha Batra

**Present: Mr. Vaibhav Sharma, Advocate,
for the petitioner.**

Mr. Neeraj Poswal, AAG, Haryana.

Manisha Batra, J.

1. The instant petition has been filed by the petitioner for grant of anticipatory bail to him in a case arising out of FIR No.3 dated 30.01.2024, registered under Sections 420/120-B IPC at Police Station Cyber Crime, Charkhi Dadri.
2. The aforementioned FIR had been registered on the basis of a written complaint lodged by the complainant Arpita Gupta alleging therein that the accused Gopal Bansal was acquainted to her family and in the month of November, 2023, he contacted her father Amit Gupta and told him that he needed some bank accounts of the persons in whom he could repose trust, for the purpose of deposit of money received by him for business transactions so that he could not face any problem from income tax department. He offered to pay an amount of Rs.20,000/- as commission to her father and assured that all the transactions related to his bank account would be handled by him and all the responsibilities will also be take care of by him. She alleged that since her family was



going through tough financial time at that time, therefore, her father agreed to the offer made by accused Gopal Bansal and shared details of his bank account with the co-accused. On 20.11.2023, some amount of money was deposited in the bank account of her father, which was got withdrawn by accused Gopal Bansal and his companions on the same evening and an amount of Rs.20,000/- was paid to her father.

3. As per the allegations, on request of accused Gopal Bansal, her father also shared the details of her bank account with him and money was received in that account also on 21.11.2023, which was also got withdrawn by accused Gopal Bansal. She further alleged that on 29.12.2023, her father was arrested by the Cyber Police in a case FIR No.45/2023, registered under Sections 420/120-B IPC and it was disclosed to them that the amount of money received in their bank accounts was result of fraudulent transactions and accused Gopal Bansal had done so by taking advantage of the trust reposed by her father in him.

4. After registration of the FIR, investigation proceedings have been initiated and are underway.

5. As per the further allegations, during the course of investigation, accused Gopal Bansal was arrested. He suffered a disclosure statement to the effect that it was the petitioner who had induced him to procure different bank accounts for the purpose of transactions of money by alluring him to give commission and to earn substantial amount of money. He further disclosed that out of greed of money and on asking of the petitioner, he had provided details of bank accounts of his family members and himself and thereafter of the complainant and her father.

He disclosed that the entire amount of money received in the bank



account of his family members and himself had been given to the petitioner and the complainant and her father had also done so. On the basis of his disclosure statement, the petitioner was nominated as an accused and apprehending his arrest, he filed an application for grant of concession of anticipatory bail, which has been dismissed by the learned Sessions Judge, Charkhi Dadri vide order dated 18.09.2024.

6. 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 admissible in evidence. Neither he was named in the FIR nor did the complainant level any allegation against him. There is no transaction of any money in his account. He had not been the beneficiary of the money deposited in the bank accounts of the victims. He is ready to join the investigation and his custodial interrogation is not at all required as no recovery is to be effected from him. The case is based on documentary evidence which is also in possession of the investigating agency. The transactions had taken place a way back in November, 2023 and FIR has been registered much later. With these broad submissions, it is urged that the present petition deserves to be allowed.

7. Status report has been filed by the respondent-State. It is argued by the learned AAG, Haryana that there are serious and specific allegations against the petitioner. In fact, he was the mastermind of the crime and inputs of the bank accounts, as operated at the behest of the petitioner, are to be taken from him. It was on his inducement that co-accused Gopal Bansal had convinced father of the complainant to share details of the bank accounts of the complainant as well as of himself and



to receive big amount of money in those bank accounts. Those transactions were fraudulent one and were also at the behest of the petitioner and none else. His custodial interrogation is required for conducting thorough investigation in the matter as he is the main conspirator. No extraordinary and exceptional circumstances for grant of concession of anticipatory bail are made out in his favour. Therefore, it is urged that the present petition deserves dismissal.

8. I have heard learned counsel for the parties and have gone through the record with their able assistance.

9. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, he is alleged to have received huge amounts of money by withdrawal of the same from bank accounts of the complainant and her father by giving them some commission. These transactions are alleged to be fraudulent transactions in order to either save the State exchequer or to commit fraud. Keeping in view the nature of the allegations, in my opinion, thorough investigation is required to be conducted and for that purpose, the custodial interrogation of the petitioner is must. Moreso, it is well settled that powers of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the



trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. 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 extraordinary remedy.

10. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

11. It is, however, clarified that nothing discussed above shall be construed as an opinion on the merits of the case.

March 01, 2025
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(Manisha Batra)
Judge

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**