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

**102**

CRM-M-45535-2025
Date of decision: 04.09.2025

Jitender Kumar ...Petitioner

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present : Mr. Amit Kumar, Advocate for the petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

Mr. Shivraj Daumajra, Advocate for the complainant.

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**AARADHNA SAWHNEY, J.(ORAL)**

1. Petitioner, an accused in case FIR No.315 dated 06.10.2023, registered against him, at the instance of Dr. Ankita d/o Sh. Subhash Chand r/o J-1/9 Gobind colony Rajpura Town, District Patiala, for commission of offence punishable under Sections 419, 420, 120-B IPC, at Police Station City Rajpura, has prayed for grant of pre-arrest bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

In nutshell, the case of the prosecution is that complainant, who is a doctor by profession (BDS), was contacted by several unknown persons through social media APP('Telegram'). She was offered commission on her investments and was asked to do simple tasks of liking and sharing 'YouTube' videos. To gain her trust, small amounts were deposited in her account, which induced her to invest more money. To her shock, however, after some time, her invested funds were freezed, forcing her to deposit more money to withdraw the already invested amount. When she tried to contact the persons from whom she had been receiving messages, they stopped attending to her calls. In this manner, the lady doctor suffered a loss of Rs.28.50 lakhs. Complaint was filed mentioning the entire facts. The same was enquired into by the Cyber Cell Police, District Patiala. During preliminary enquiry, it came to the notice of the police authorities that complainant was made to transfer money in 11 different bank accounts. It also came to their notice that on 06.09.2023, Rs.50,000/- was transferred in account No. 1934002100117620 of PNB Bank. The said was account registered in the name of 'M/s Ashish Online Solution', Ashish Singh Rathore s/o Yashveer Singh Rathore r/o 1/101 Hata Ke Andar Jafri, Fatehgarh, Farrukhabad, Uttar Pradesh. Further enquiries also revealed that on the same day i.e. on 06.09.2023, the account holder of the said bank transferred Rs.1,09,908/- in another account No.480505000015 of ICICI Bank. This account was registered in the name of 'M/s Ambitious Vams Private Ltd.', c/o Chatter Singh, Shankar Puri, District Saharanpur, Uttar Pradesh. The Directors of the said firm were Vineet Kumar s/o Mohan Kumar r/o Village Meharwani, Behat Road, District Saharanpur, Akshay Chaudhary r/o Roorkee, Uttarakhand and **Jitender Kumar** (petitioner). Based on the incriminating material, 'M/s Ashish Online Solution' and its 3 directors, including present petitioner, were nominated as accused.

3. Status report by way of affidavit of Mr. Aaswant Singh Dhaliwal, Superintendent of Police, Economic Offences & Cyber Crime, District Patiala has been placed on record, wherein it has further been clarified that Mr. Vineet Kumar, who was the first to be arrested, disclosed that Jitender Kumar (present petitioner) is his friend and that the aforesaid mentioned firm was registered at the residence of Jitender Kumar i.e. c/o Chatter Singh, Shankar Puri, District Saharanpur, Uttar Pradesh. It has further been disclosed that all 3 of them used to operate the ICICI Bank to commit cyber crimes and launded money through layering and crypto trading. Further as per respondent, even though, notice was issued to the present petitioner to join the investigation, he did not do so.

Apprehending his arrest, petitioner filed an application for grant of anticipatory bail before the learned Additional Sessions Judge, Patiala. The same was dismissed vide order dated 14.08.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel submits that the petitioner has been falsely implicated in the present case, the FIR was registered against unknown persons on the complaint of Dr. Ankita. Hasty investigations have been conducted at her instance. In any case, investigating agencies have failed to explain the role of the petitioner in the commission of offence and his connection with the alleged fraudsters, who frauded complainant of her money. Learned counsel further submits that petitioner is engaged in the business of online trading in Crypto Currency (USDT) on Binance App. On 06.09.2023, he had sold USDT on Binance App and had received Rs.1,09,908. Petitioner has been paying taxes for every trade in Crypto Currency. In the absence of any specific incriminating material against petitioner, it is evident that he has been falsely arrayed as accused. Continuing further, learned counsel points out that co-accused Vineet Kumar, who is also one of the account holders of account No.480505000015 of ICICI Bank and is similarly situated as the present petitioner, has since been granted the concession of bail by the learned trial Court vide order dated 05.08.2025. Towards the end, learned counsel submits that petitioner is willing to join the investigation as and when called for by the IO. Prayer has been made to allow the present petition.

5. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by submitting that presence of petitioner is needed for custodial interrogation to find out as to who all are involved in this racket, in which complainant, a doctor by profession, lost Rs.28.50 lakhs. Learned State counsel further submits that as per investigation

conducted till date, the account No. 480505000015 of ICICI Bank is registered in the name of 'M/s Ambitious Vams Private Ltd', in which the present petitioner and 2 others are Directors. This firm is, however, registered at the residence of present petitioner. Further, as per learned State counsel, this account is infact at the second layer of fraud, which received money from the first layer (A/c No.1934002100117620 of PNB Bank) in which complainant was asked to deposit Rs.50,000/- and she did so. In the light of the fact that investigations are still underway, presence of petitioner is needed to unravel the identity of the other conspirators, who all are involved in this cyber fraud as also the modus operandi adopted by them and to know as to how many innocent persons have been duped of their hard-earned money. Extending concession of anticipatory bail at a crucial stage of investigation might hamper the investigation. Dismissal of the pre-arrest bail is prayed for.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner and learned State counsel, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed

In ***P.Chidambaram vs. Directorate of Enforcement AIR 2019 SC 4198***, Hon'ble Supreme Court observed as under:-

> *"76. Power under Section 438 Cr.P.C. being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In Directorate of Enforcement v. Ashok Kumar Jain (1998) 2 SCC 105, it was held that in economic offences, the accused is not entitled to*

*anticipatory bail."*

Further in ***Serious Fraud Investigation Office vs. Aditya Sarda, 2025 AIR SC 2431***, Hon'ble Supreme Court has held as under:-

> *"23. In view of the above settled legal position, it is no more res integra that economic offences constitute a class apart, as they have deep rooted conspiracies involving huge loss of public funds, and therefore such offences need to be viewed seriously. They are considered as grave and serious offences affecting the economy of the country as a whole and thereby posing serious threats to the financial health of the country…."*

8. At the outset, it needs to be mentioned that cyber crimes are faceless crimes, which effect the financial stability of the country. Anonymity of criminal make it more dangerous allowing them to operate with impunity. In the instant case, the complainant, who is a doctor by profession, got lured in, by the messages she received on social networking site ('telegram'), wherein she was assured that by doing simple tasks of liking and sharing '*YouTube'* videos, she would earn commissions on her investments. To gain her trust, after she did the needful, some money was deposited in her account, which induced her to invest more. However, after some time, she could not even withdraw her own money and was forced to deposit more money to withdraw the already invested amount. As pointed above, investigations at this initial stage reveal that the account No. 480505000015 of ICICI Bank registered in the name of 'M/s Ambitious Vams Private Ltd', of which petitioner was one of the Directors and the firm was registered at his address was at the second layer, which received money from an account No. 1934002100117620 in the PNB Bank. The plea taken by the petitioner that he was dealing in Crypto Currency and had earned Rs.1,09,908/- by using USDT on Binance App, appears attractive at first

blush, but is not supported by any documents, further it has not been specified by the petitioner as to when he started trading online. At this stage, there is no material on record to hold that *prima-facie* case is not made out against the petitioner. Rather the material on record, in preliminary investigation, indicates the complicity/ involvement of the petitioner. Simply because the other co-accused has been granted bail by the learned trial Court would not be a ground in itself to grant the concession of anticipatory bail to the petitioner, moreso when the investigation is at the initial stage and the custodial interrogation is needed to throw light upon the intricacies of the case, as in, who all were involved in this racket, what is the modus operandi used by them and how many innocent persons have been duped.

9. Resultantly, in view of the discussion made hereinabove, the Court is of the opinion that petitioner has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

10. The petition being devoid of merit, is hereby dismissed.

**(AARADHNA SAWHNEY)**
**JUDGE**

**04.09.2025**
Hemant

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