IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-45460-2025
Date of decision: 11.09.2025

Rakesh ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Y.S. Chauhan, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

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AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case FIR No.07 dated 13.01.2025, registered against him, at Police Station Cyber Crime, District Karnal, for commission of offences punishable under Sections 318(4) and 61 of BNS, has prayed for grant of pre-arrest bail.

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

Navjot, son of Jagjeet Singh, resident of Village Kyodak Jagir, District Karnal, lodged a complaint pointing therein that on 01.01.2025, he received a message on social networking site 'Telegram', from one Nikita and started conversing with her. During one such conversation on 03.01.2025, he received a link in the name of Tata Project Real Estate with the referral code 58M26S. He joined the link. On 05.01.2025, he transferred Rs.15000/- from his account bearing No.225522010000603 maintained with Union Bank to account bearing No.60518132954 in Bank of Maharashtra, whose transaction ID was 500592044546. Complainant further mentioned the details of the amounts transferred by him, to various accounts, on different occasions. In all, complainant alleged to have lost Rs.6,97,129/- to Cyber Fraud.

Request was made to police authorities to recover the money as also to catch hold of the culprits, who had played a calculated fraud on him, as also to initiate appropriate proceedings against them. On the basis of the said complaint, aforementioned FIR was registered.

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

4. Learned counsel submits that petitioner has been falsely implicated in the present case. Complaint has been lodged against unknown persons, name of the petitioner cropped up during disclosure statement of co-accused, which as per settled law is not admissible against him, in the absence of recovery of any incriminating material. Continuing further, learned counsel submits that the presence of petitioner is not needed for custodial interrogation as nothing is to be recovered from him, he is, however, ready and willing to join the investigation as and when required by the Investigating Officer. Prayer has been made to grant the concession of anticipatory bail to the petitioner.

5. *Per contra*, Sh. Vikram Singh, AAG, Haryana, while referring to para 3 of the status report filed by way of an affidavit of Mr. Kaanchi Singhal, Assistant Superintendent of Police, Karnal submits that during the course of investigation, bank statements of complainant, his friend Sham Lal and his brother-in-law Jagtar, were taken into possession as were the account

statements of suspected Bank Accounts and KYC etc. It came to the notice of the investigating agencies that Rs.60,000/- were transferred/deposited into the Canara Bank account no. 110217591830 of one Lokesh, resident of House No. 1003, Navdeep Colony, Azad Nagar, Rajgarh Road, Hisar. Other entries revealed that funds had also been transferred to accounts of some other persons held by other individuals. On 30-05-2025, aforementioned Lokesh was arrested, who disclosed that one of his friend namely Ketan had convinced him to open a Bank Account in exchange for money. Somehow, he (Lokesh) got taken in. SIM no. 8168417836 for OTP verification was also given to him. As agreed, he (Lokesh) opened an account in Canara Bank and after receiving the account kit, the same along with the SIM card was handed over to Ketan. Pursuant to the said statement, the mobile phone recovered at the instance of Lokesh was taken into possession.

Co-accused Ketan was second to be arrested, who highlighted the role played by the present petitioner Rakesh in this cyber fraud. It was at the instance of petitioner-Rakesh that Ketan had provided a bank account to him in lieu of Rs.5,000/-. Sim Card No. 8168417836 was also handed over to him, which in turn was delivered to co-accused Lokesh, who has pointed above opened an account in Canara Bank. After collecting the account Kit and Sim Card from Lokesh, they were handed over to present petitioner Rakesh. Mobile phone (Make Samsung) in which SIM Card No.7027952240 handed over at the instance of Ketan was also taken into possession.

During the further course of investigation, call detail record and customer application form of Sim Card No. 8168417836, which was linked to the account opened by co-accused Lokesh were obtained. This mobile number was found to be registered in the name of petitioner. The Sim was activated on 19.12.2024. On 21.12.2024, when co-accused Lokesh opened the account in Canara Bank, at the asking of his friend Ketan, the same SIM Card (8168417836) was used in the mobile phone of Lokesh bearing IMEI No. 860753053823525. This mobile phone in which co-accused Lokesh had inserted Sim card No. 8168417836 was handed over to the police. Most importantly, on 08.01.2025, Rs.60,000/- was transferred into the account opened by Lokesh in Canara Bank, from the account of the complainant. Analysis of the call detail record, collected by the IO also revealed that there had been frequent conversations between the petitioner Rakesh and co-accused Lokesh and Ketan. With a view to hood-wink, the police authorities, petitioner was using another phone No.7015321291 to talk to other accused. Call detail record collected also revealed that present petitioner had talked approximately 403 times with co-accused Ketan and 34 times with co-accused Lokesh, both of whom also (Lokesh and Ketan) were in constant conversation with each other. It was an eye-opener for the investigating agencies when they found that on 08.01.2025, Rs.2,87,892/- (including Rs.60,000/- from the account of complainant) and Rs.1,16,800/- were transferred in the account of petitioner on 09.01.2025, through different transactions.

Learned State counsel further contends that the investigation conducted till date, reveals that petitioner is one of the active members of a syndicate involved in cyber fraud; he provides bank accounts for cyber crimes. Thus, as per learned State counsel, presence of the petitioner is needed for custodial interrogation to find out who all are involved in this racket, to recover the lost money of complainant, to seize the SIM etc. as also to find out about the intricacies of the case.

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 criminals makes it more dangerous allowing them to operate with impunity. In the instant case, investigations conducted till date reveal

that the account opened in the Canara Bank by co-accused Lokesh on 21.12.2024, was linked to SIM Card 8168417836, which had been registered in the name of present petitioner. This SIM Card was activated on 19.12.2024. When the mobile phone handset of co-accused Lokesh was taken into possession and call detail records were collected, it established that SIM Card 8168417836 was inserted into the said phone, when Rs.60,000/- were transferred in the Canara Bank. Frequent conversations between the present petitioner and the other 2 accused also suggest his clear involvement in the entire incident. It emerges from investigation conducted till date that petitioner being one of the members of the syndicate involved in cyber fraud provides bank accounts for parking money extracted from innocent persons by playing fraud on them.

In the light of role played by the present petitioner, agreeing with submissions advanced by learned State counsel, the Court is of the opinion that the presence of petitioner is needed for custodial interrogation to find out as to who all are involved in this racket, what is the modus operandi adopted by the fraudsters, to recover the mobile phones used in the commission of offence etc.

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.

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

(AARADHNA SAWHNEY)
JUDGE

11.09.2025
Hemant

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