IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-50892-2024
Reserved on: 24th April, 2025
Pronounced on: 29th April, 2025

Anant Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gautam Dutt, Advocate and
Mr. Vikrant Rana, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

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MANISHA BATRA, J :-

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. 27 dated 08.05.2021 registered under Sections 420, 467, 468, 471 and 120-B of IPC and Sections 66 and 66-D of Information and Technology Act, 2008 at Police Station Cyber Crime, Gurugram (Haryana).

2. The aforementioned FIR was registered on the basis of a complaint lodged by Vivek Rathi, authorized representative of Car Pavillion Private Limited Company (for short, '*the company*') that was engaged in the business of sale and purchase of used cars on the allegations that the company had been maintaining a current bank account with ICICI Bank at

Civil Lines Branch, Gurugram. E-net banking services facility had been availed by the company as per which the bank allowed its customers to carry out transaction over various channels of communication through electronic clearing service or otherwise. This facility could be used to transfer funds to third party for the business purpose and banking transactions. The company had given access of its user ID and password to some limited number of its employees and some authorized persons, who were responsible and accountable for managing the banking transaction and transfer of funds on regular basis. The said funds could be transferred to third parties maximum to the tune of Rs. 25,00,000/- per transaction. It was alleged that on 08.04.2021, some person(s) either individually or jointly carried out sixteen transactions of Rs. 25,00,000/- each at a particular point of time whereby an amount of Rs. 4,00,000,00/- was transferred from the bank account of the company in the name of one sole proprietorship concern, owned by accused Shivam Singh and named as M/s Bytie Enterprises. It was alleged that huge loss of money had been caused to the complainant by the aforementioned accused in connivance with some other persons and this fact came to the notice of the company on 26.04.2021 while reconciling the bank accounts and their balance. It was also alleged that the beneficiary had further transferred the entire amount of Rs. 4,00,000,00/- to two different bank accounts.

3. On the basis of the above allegations, a case under Section 420 of IPC and Sections 66 and 66-D of IT Act was registered. Investigation proceedings were initiated. Accused Shivam Singh was arrested on

22.05.2021. He suffered disclosure statement admitting his involvement in the crime and also took the name of accused Ankit Singh. He got recovered a sum of Rs. 20,000/-. The accused Anikt Singh was arrested on 29.05.2021 and got recovered a sum of Rs. 1,50,000/- as well as SIM card registered in the bank account of Bytie Enterprises. When accused Amarjeet Gupta @ Amar @ Ravi Kumar was arrested on 25.06.2021 as he too was nominated as an accused, he suffered disclosure statement and disclosed about handing over the bank account of Bytie Enterprises and another bank account to the present petitioner about his complicity in the crime. He got recovered a sum of Rs. 40,000/-. Some other accused were also apprehended. While apprehending his arrest, the petitioner moved application for grant of pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 04.10.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the third disclosure statement suffered by the co-accused Ravi. In his previous two disclosure statements, he had not named the petitioner. Infact, as on 14.10.2018, he had been abducted by some unknown persons and was wrongfully confined. His debit and credit cards were snatched and an amount of Rs. 86,000/- was transferred from his bank account. The name of one Ravi Tiwari had appeared on the screen of his phone when this transfer was effected. An FIR bearing No. 671 of 25.10.2018 was registered at Police Station Sanganer, Jaipur City (south) (Rajasthan). The trial of that case is pending. He has apprehension that the accused of FIR No. 671 have connection with the

accused of this case and that is why, the co-accused Ravi @ Amarjit has disclosed his name. The main accused Shivam Singh did not involve him at all. Most of the co-accused are already on bail. No transaction of money has taken place in his bank account. He had been wrongly declared a proclaimed person as he never received any notice of the petition. The order declaring him as proclaimed person has been quashed by this Court. He is not beneficiary of any of the amount of money as transferred from the bank account of the company. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. He does not have any criminal antecedents. Therefore, it is argued that he deserves to be extended benefit of pre-arrest bail.

5. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Haryana, that there are serious and specific allegations against the petitioner who was infact the master mind of the crime. In connivance with the co-accused Ravi @ Amarjit Gupta, he had got opened account in the name of accused Shivam Singh. Thereafter, by conniving with the co-accused Anshul Tyagi, who was an ex employee of the company and availing login ID and password for the purpose of operating bank account in the name of company, an amount of Rs. 4,00,00,000/- was transferred from the account of the company to the bank account of Bytie Enterprises and then was transferred to two different accounts. The case is still at its nascent stage. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. There is nothing on record to suggest that he has been

falsely implicated by the co-accused Ravi. No extra ordinary or exceptional circumstance for grant of pre-arrest has been made out in favour of the petitioner. Accordingly, it is urged 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 by hatching a conspiracy with the co-accused is alleged to have cheated the company of the complainant and to have caused huge loss of an amount of Rs. 4,00,00,000/- to it, by committing cyber fraud. He is stated to be the master mind of the crime. He was declared a proclaimed person though the order declaring him as such has been ordered to be quashed on 16.09.2024 in petition bearing No. CRM-M-42355-2024. There are specific and serious allegations against the petitioner. For conducting thorough investigation in the matter and for eliciting information about the identity of the other persons involved in the offence as well as the manner in which the subject crime had been committed, custodial interrogation of petitioner is must. The petitioner is accused of committing a cyber fraud. Crimes of this nature are on the rise and have become a growing menace in today's digital age. Cyber criminals are using sophisticated methods to target public persons and institutions. A stringent approach for deterring offender is required. The gamut of above discussed circumstances does not call for grant of benefit of pre-arrest bail to the petitioner which even otherwise is an extra ordinary remedy to be exercised in exceptional circumstances which do not exist in this case. Accordingly, the petition does

not deserve to be allowed and 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 April, 2025
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No