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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 27.10.2025

Harpreet Kaur

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Lakhwinder Singh Dandiwal, Advocate for the petitioner.

Mr. Amit Goyal, Additional Advocate General, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.08 dated 27.08.2025 registered for offences punishable under Sections 318(4) and 61(2) of BNS, 2023 at Police Station Cyber Crime, Mansa, District Mansa.

2. The FIR was registered based on a complaint made by Vikramjeet Singh son of Kanwaljit Singh, resident of village Phus Mandi, Police Station Sardulgarh, Tehsil Sardulgarh, District Mansa. He alleged that he is a student of Class 10+2 at Anmol Public School Sardulgarh and the petitioner namely Harpreet Kaur is his cousin. The house of the petitioner is located opposite his house and she is studying in BA at Bharat Group of Colleges, Sardulgarh. In January 2025, the petitioner called the complainant to UCO Bank, Sardulgarh. When the complainant reached there, the petitioner was present with Amandeep Kaur daughter of Surjit Singh resident of Khokhar Kalan. The petitioner gave the complainant a

SIM card (mobile No. XXXXXXXXXXXX) and asked him to register it with

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the new bank account. Following her instructions, the petitioner inserted the SIM card into his phone and opened the bank account in his name at UCO Bank, Sardulgarh registering the same mobile number. The bank issued the complainant a kit containing a cheque book, passbook and ATM card. As soon as the complainant came out of the bank, the petitioner took the entire kit and the SIM card from the complainant and paid him Rs.1500/- in cash. Then the petitioner and his friend namely Amandeep Kaur left and the complainant returned home. After about a month, when the complainant asked the petitioner to return his bank documents, she refused. On the basis of suspicion, the complainant visited the concerned UCO bank and found that his account has been frozen (lien marked). Later on, the complainant came to know that the petitioner alongwith Ganga Kaur and Sukhi Rani (daughters of Gurditta Singh), Mehakpreet Kaur and Jashan (daughters of Ranjit Singh) and Rajwinder Kaur (wife of Karaj Singh), all residents of Phus Mandi, had opened similar bank account. Those accounts too had been frozen or lien marked. In this way, the petitioner alongwith the above mentioned persons and some unknown individuals, had deceived the complainant and misused the bank accounts for fraudulent purposes. Based on these set of allegations, the instant FIR came to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated into the FIR in question. Learned counsel has further iterated that the actual culprit is one Mausam, who allegedly induced the petitioner to open a bank account and she was not aware of any fraudulent intentions. Learned counsel has further submitted that no transactions exist between the petitioner and the complainant that can



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link her to the alleged cyber fraud. It has been further submitted that the petitioner is young unmarried student pursuing BA IInd year and belonged to a respectable family. There is no allegation of any forgery, impersonation or use of false identity and the FIR does not allege any act of fraud, inducement or cheating by the petitioner. Learned counsel has further submitted that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from her. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case she is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the petitioner actively facilitated the commission of the alleged offence. According to learned State counsel, the petitioner opened a bank account, registered a SIM card in her name and handed-over the bank kit to the main accused namely Harpreet Kaur. Furthermore, multiple other accounts belonging to the relatives of the petitioner and acquaintances were also misused which demonstrate a pattern of involvement. The investigating agency is still in the process of gathering evidence for which custodial interrogation of the petitioner is necessary. Considering the seriousness of the allegations and the stage of investigation dismissal of the instant petition is prayed for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.



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6. Indubitably serious allegations have been levelled against the petitioner. As per the FIR *ibid*, the petitioner facilitated the opening of a bank account in the name of the complainant and gave the complainant a new SIM card and asked him to register it with the said bank account. The same has been done at the instructions of the main accused which was subsequently misused for the fraudulent transactions. Furthermore, the evidence on record indicates that multiple accounts of the relatives and acquaintances of the petitioner were also misused which indicates that the role of the petitioner was not entirely passive. The material collected so far *prima facie* point towards the complicity of the petitioner. At this stage, the act, whether done knowingly or unknowingly, enable the commission of cyber fraud and the same cannot be brushed aside as wholly unreliable and as such the grant of anticipatory bail to the petitioner, at this stage, would hamper the on-going investigation.

7. Furthermore, the Court cannot be oblivious to the fact that the offence of this nature not only affect the individual but also create of sense of insecurity in the community at large. Protection of such offenders at the stage of investigation would send a wrong signal to society and embolden others to indulge in similar unlawful activities. The power under Section 482 of BNSS, 2023 is meant to protect innocent persons from unnecessary harassment and false implication but the same cannot be extended to those against whom there are *prima facie* serious allegations supported by material/evidence collected during the course of investigation. The claim of the petitioner that she was unaware of the fraudulent intentions of the main accused cannot be accepted, at this stage, as the same warrants further



investigation. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

8. Cyber fraud involving multiple accounts, coordinated by multiple individuals, is a serious offence with far-reaching consequences. The actions of the petitioner directly contribute to creating an infrastructure that was exploited to commit fraud. The contention of the petitioner of false implication cannot overshadow the specific allegations in the present FIR against her. The weightage and veracity of such defence can only be tested at the trial and not at the stage of consideration of a plea for pre-arrest bail. In the considered opinion of this Court, the custodial interrogation of the petitioner may be necessary to determine the extent of her knowledge regarding the fraudulent scheme whether she was aware of the misuse and the identities of other co-accused who may have facilitated the offence. In the considered opinion of this Court, granting anticipatory bail at this stage may likely to hamper the on- going investigation.

9. Moreover, no cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. The investigation is at nascent stage. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the



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petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

10. In view of the gravity of the allegations, the pattern of fraudulent activity, the potential involvement of other unknown accused persons, the stage of the investigation as also the necessity of the custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

11. In view of the prevenient ratiocination, it is ordained thus:



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- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

October 27, 2025
Ajay

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