



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

212

CRM-M-59512-2025

Date of decision:19.11.2025

MOHAMAD NASEEM @ MOHMAND NASEEM

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Ms. Deepali Verma, Asstt. A.G. Haryana.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 318(4) & 319 of BNS, 2023, the FIR No.10 dated 11.08.2025 has been lodged in Police Station Cyber Crime, District Panchkula. Since the petitioner is apprehending arrest in the above-mentioned case, and his application for anticipatory bail has been dismissed by the learned Additional Sessions Judge Panchkula, vide order dated 06.10.2025, the petitioner is seeking the benefit of anticipatory bail, by virtue of present petition. The petitioner is claiming the above-said concession by invoking the provisions enshrined under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of Ravi Gupta a practicing Advocate, hereinafter being referred as complainant only. It was stated by the



complainant that through facebook messenger, he came into contact of a lady having ID as Aachal [Rao @ Ammu](#) and that he started conversation with the above-said lady, who gained her confidence and told him that she was earning huge profit by investing in Crypto Currency. According to complainant he was allured by the above-said lady and under her influence, with an intention to earn profit, he opened an account on a platform, the link of which was sent to him by the above-named lady. As per complainant later on different dates through various bank transactions he deposited Rs.33,16,700/-, and that on 10.08.2025 he received a message that his account at the above-mentioned platform had been freezed due to his failure to pay risk deposit of Rs.19,46,000/-. It has been alleged by the complainant that on receipt of above message only he realized that he was subjected to a Cyber fraud.

3. It is the case of the prosecution that in view of above-mentioned information formal FIR of this case was lodged and the investigation taken up.

4. According to prosecution during the course of investigation all the bank accounts in which Cyber fraud money was transferred, were frozen and thereafter the details of IDFC Bank Account No.10235285495, wherein Rs.17,00,000/- were transferred (First layer bank account) were obtained and it was found that from the above-mentioned account a sum of Rs.7,90,000/- was transferred, on 15.07.2025, in EQUITAS Bank Account No.100055650160 (Second layer bank account).

5. The prosecution has further alleged that the above-mentioned bank account was opened in the name of Akashdeep Singh, resident of Sandhu Nagar, Ludhiana and when the above-named accused was arrested on



18.09.2025, during interrogation he disclosed the details of his another bank account. As per prosecution, it was revealed by Akashdeep Singh that he had also opened another bank account in the 'Kotak Mahindra Bank' on the request of Gaurav and Mohamad Naseem, who had requested him to open the above-mentioned bank account, by stating that they were in need of a bank account to receive GST refund.

6. The prosecution has further alleged that above-named accused Akashdeep Singh has disclosed that on 15.07.2025, he alongwith Naveen, Anmol, Gaurav and Mohamad Naseem had withdrawn a sum of Rs.9,00,000/- from the bank and handed over the same to Gaurav and Mohamad Naseem, who were waiting outside the bank, and that the mobile number linked with the account of Akashdeep Singh with Kotak Mahindra Bank belonged to the petitioner Mohamad Naseem.

7. Heard.

8. It has been contended by learned counsel for the petitioner that petitioner is innocent having no nexus, whatsoever, with the commission of crime and that in fact the petitioner is a law abiding citizen, who even went to Dubai on permit for labour work on 26.03.2024 and returned on 15.04.2025 due to illness of his mother. According to learned counsel for the petitioner the name of the petitioner does not figure in the FIR and the only evidence collected by the Investigating Agency against the petitioner is the disclosure statement of his co-accused.

9. In addition to above, the learned counsel for the petitioner has also argued that the offence allegedly committed by the petitioner is triable by



the Court of Judicial Magistrate, and that the maximum punishment prescribed for the above-mentioned offence is imprisonment up to 07 years and therefore, the guidelines laid down by Hon'ble Supreme Court of India in the case of ***Arnesh Kumar vs. State of Bihar AIR 2014 SC 2756*** are applicable to the present case. While alleging that without issuing notice attempt is being made by the police to arrest the petitioner. The learned counsel for the petitioner has requested for protection of petitioner by extending the benefit of anticipatory bail to him.

10. *Per contra* the learned State counsel has argued that the petitioner is the king pin of the racket involved in Cyber crime, and that the evidence against the petitioner, with regard to his involvement in the commission of crime, is not on the basis of disclosure statement only but also there is other clinching evidence. According to learned State counsel the mobile phone number being used by the main accused belongs to petitioner, and that in addition to above his presence outside the bank, when the money was being withdrawn by accused Akashdeep Singh, proves that he was actively involved in the commission of crime.

11. In addition to above, the learned State counsel has also argued that the notice has already been served upon the petitioner by the Investigating Officer, through his brother, but he is not participating. As per learned State counsel in the present case in order to unearth the truth, and fix the responsibility of petitioner with regard to commission of offence, his custodial integration is of utmost importance.

12. The record has been perused carefully.



13. A perusal of record shows that instant case is a case of Cyber fraud, wherein loss of huge amount i.e. Rs.33,16,700/- has been caused to the complainant. It is also relevant to mention here that *prima facie* to establish link between the commission of crime and the petitioner, the Investigating Agency has collected the evidence with regard to fact that the account which was used for syphoning of the proceed of crime, is linked with the mobile number of the petitioner.

14. In such circumstances in my opinion, if the valuable right of custodial interrogation available to Investigating Agency is denied, it may result into a severe set back to the investigation of this case, which may not take a headway in proper direction. Otherwise also, it is settled principles of law that remedy of anticipatory bail is an extraordinary remedy and in the present case no extraordinary circumstance, warranting the exercise of above-mentioned jurisdiction vested in this Court exist.

15. Here it shall not be out of place to mention that the petitioner is seeking extraordinary remedy by claiming the benefit of anticipatory bail. With regard to such relief, the Hon'ble Supreme Court in the case of ***Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282***, has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

16. The Hon'ble Supreme Court in the above-mentioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to



Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

17. Similarly, in the case of ***Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024)***, the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

18. In the case of ***Gurbaksh Singh Sibba etc. v. State of Punjab 1980 SCC (2) 565***, the Hon'ble Supreme Court of India held that:-

- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.



19. Taking into consideration the above mentioned facts and circumstances of the present case and the above-mentioned principles of law, which squarely covers the factual matrix of the present case, it is hereby held that the petitioner is not entitled for the benefit of anticipatory bail, and that the present petition is devoid of merit, which deserves dismissal. Hence, the present petition is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

19.11.2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No