IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

105 CRM-M-60750-2025

Date of decision: 06.11.2025

Goldy Kumar ....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.

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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 on the basis of 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 that the accused, namely Harpreet Kaur, is his cousin. Her house is located opposite his and she is pursuing B.A. at Bharat Group of Colleges, Sardulgarh. It is alleged that in January 2025, Harpreet Kaur called the complainant to UCO Bank, Sardulgarh. Upon his arrival, Harpreet Kaur was present alongwith Amandeep Kaur, daughter of Surjit Singh, resident of Khokhar Kalan. Harpreet Kaur handed over a SIM card (mobile No. XXXXXXXXXX) to the complainant and induced him to open a new bank

account using the said mobile number. Acting upon her instructions, the complainant inserted the SIM card into his mobile phone and subsequently opened a bank account in his name at UCO Bank, Sardulgarh, registering the said number in the account. The bank issued him a welcome kit containing the cheque book, passbook and ATM card, however, immediately after he stepped out of the bank, Harpreet Kaur took the entire kit as well as the SIM card from him and paid him ₹1,500/- in cash. Thereafter, Harpreet Kaur alongwith Amandeep Kaur left and the complainant returned home. After about one month, when the complainant demanded his bank documents back, Harpreet Kaur flatly refused. On visiting the bank, the complainant discovered that his account had been frozen and lien-marked. Subsequently, he came to know that Harpreet Kaur, in connivance with 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 created several such bank accounts in the names of innocent persons, which too had been frozen or lien-marked. It is thus alleged that Harpreet Kaur alongwith the aforementioned co-accused and other unknown persons, deceived the complainant, misused the bank accounts for fraudulent activities, and thereby caused wrongful loss to the account holders and corresponding wrongful gain to themselves. During the course of investigation, the present petitioner was nominated as an accused vide DDR No. 8 dated 16.09.2025. Statements of Ajay Kumar, Sunil and Gagandeep Singh were also recorded, which disclosed that the petitioner, in active collusion with co-accused Harpreet Kaur, was involved in opening bank accounts of unsuspecting individuals and committing fraud by misappropriating the banking instruments.

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 that the petitioner had no knowledge whatsoever of any fraudulent intentions behind the same. It is further urged that there is not even a single transaction between the petitioner and the complainant which may remotely connect him with the alleged cyber fraud. It has been further submitted that the petitioner is young, unmarried student aged about 30 years and belongs to a respectable family. There is no allegation of forgery, impersonation, manipulation of banking instruments, or creation of a false identity attributable to the petitioner. Furthermore, the FIR does not attribute any direct act of inducement, deception or cheating to 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 him. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he 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, in connivance with co-accused Harpreet Kaur, played

a significant role in opening bank accounts in the names of innocent persons and misused their ATM cards and SIM cards for fraudulent financial activities. It is submitted that the investigation is still underway and the custodial interrogation of the petitioner is indispensable to unravel the entire conspiracy and to trace the proceeds of crime. Considering the gravity of allegations, the larger ramifications of the alleged financial fraud, and the crucial stage of investigation, learned State counsel prays for dismissal of the present petition.

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

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. As per the allegations, the petitioner and co-accused Harpreet Kaur, in connivance with each other were indulging in a pattern of fraud by opening bank accounts of innocent persons, obtaining their bank kits and SIM cards and using them for illegal financial activities and cyber frauds. The evidence on record indicates that multiple accounts of the innocent persons have been 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. The Court cannot be oblivious to the fact that offences of this nature not only affect the individual victim but also create a sense of

insecurity within the community at large. Granting protection to such offenders at the crucial stage of investigation would send a wrong and detrimental signal to society and may embolden others to indulge in similar unlawful activities. The power under Section 482 of the BNSS, 2023 is intended to prevent the abuse of the process of law and to protect innocent persons from unwarranted harassment; however, the same cannot be invoked to extend relief to those against whom *prima facie* serious allegations stand supported by material collected during investigation. The assertion of the petitioner that he was unaware of the fraudulent intentions of the co-accused cannot be accepted at this preliminary stage, as the matter requires thorough investigation to ascertain the true extent of his involvement. Given the modus operandi, the magnitude of the fraud, and the potential implications for financial security of the public at large, such offences necessitate a firm and principled judicial approach to deter their recurrence and uphold the rule of law.

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. The weightage and veracity of such defence can only be tested at the trial and not at the stage of consideration of pre-arrest bail. The investigation is at a crucial stage. In the considered opinion of this Court, the offence of this nature is serious for which custodial interrogation of the petitioner may be necessary to determine the extent of his knowledge regarding the fraudulent

scheme whether he was aware of the misuse and the identities of other co-accused who may have facilitated the offence. Given the seriousness of the allegations and the involvement of the petitioner in a larger cyber fraud racket, no exceptional circumstances are made out for grant of anticipatory bail.

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 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 disintering offences would not conduct themselves as offenders."

10. In view of the gravity of the allegations, the role attributed to the petitioner, the potential involvement of other unknown 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:

(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

November 06, 2025
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No