IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106 **CRM-M-66398-2025**

Vishal Masih

....Petitioner

V/s

State of Haryana

....Respondent

Date of decision: 27.11.2025

Date of Uploading : 27.11.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

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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.50 dated 29.07.2025 registered for offences punishable under Sections 318(4), 61(2) of BNS, 2023 at Police Station Cyber Crime, District Kurukshetra.

2. The prosecution case, in brief, is that the complainant Sumit Masih son of Gulchain Singh, resident of Chuniya Farm, Sangholi, Pehowa District Kurukshetra submitted a complaint to the police alleged that he works at a ready-made garments shop where Harsh Gill was also employed. The complainant mentioned that he wanted to go abroad and Harsh Gill told him that Lali @ Vishal Mashi (petitioner herein) handled loan related matter and could assist him in obtaining a loan for that purpose. The complainant further stated that at the instance of Vishal Mashi, he opened a bank account in Bandhan Bank, whereafter, he handed over his cheque book and ATM

card to him. During investigation, co-accused Harshdeep disclosed that at the behest of the present petitioner, he had provided details and bank kits of multiple bank accounts, including that of the complainant to co-accused Parvej Khan. The investigation also reveals that several bank accounts were used for alleged illegal financial transactions and the role of the petitioner has surfaced as being primary in procuring these accounts details. Based on these set of allegations, the instant FIR came to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that he has no connection with the complainant. The FIR contains vague, bald and unsubstantiated allegations without attributing any specific role to the petitioner. Learned counsel has further submitted that the petitioner has never been involved in any business of arranging loans and never took possession of any document(s) from the complainant. Furthermore, the petitioner himself is a victim of immigration issues and had no role in the alleged transactions. According to learned counsel, no document or material exists on record to show that the petitioner either opened or operated the bank account in question. The complainant has nowhere alleged that any amount was ever withdrawn or transferred by the petitioner. Learned counsel submits that the case rests entirely on documentary evidence all of which is already in the possession of the investigating agency. 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 offence committed by the petitioner is serious in nature. According to learned State counsel, the petitioner has played an active role in obtaining the bank accounts and bank kits in the names of various persons and facilitating their misuse for illegal financial transactions. Furthermore, the disclosure statement of the co-accused clearly implicates the petitioner. Learned State counsel has iterated that the important articles, including cheque books, passbooks and ATM cards, are yet to be recovered from the petitioner. Learned State counsel has further submitted that the economic offences involving misuse of banking systems are serious in nature affecting society at large and thorough custodial interrogation of the petitioner is imperative to uncover the entire conspiracy and the financial trail. 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.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. From the material on record, including the disclosure statement of co-accused Harshdeep, *prima facie* indicates the involvement of the petitioner in procuring multiple bank accounts and delivering the bank kits to co-accused

Parvej Khan. The allegations relate to unlawful financial activities and suspected fraud which constitutes economic offences of a serious nature. At this stage, there is sufficient material suggesting that the petitioner played an active role in facilitating the transactions in question. The contention of the petitioner that he has no connection with the complainant or co-accused cannot be accepted at this stage, particularly when the statements and preliminary investigation point towards the complicity of the petitioner in the offence in question. The exact nature and extent of the involvement of the petitioner requires deeper investigation for which custodial interrogation of the petitioner may be essential. Furthermore, the recovery of crucial documents, including cheque books, passbooks and ATM cards, is still pending and appears to be directly linked to the petitioner.

7. It is befitting to mention here that while adjudicating the bail pleas, particularly in cases concerning cybercrimes and online fraud, necessitates a meticulous evaluation of several pivotal factors. The paramount factor is the nature, gravity and seriousness of the offense, coupled with its potential societal ramifications. The proliferation of online frauds and cybercrimes poses a significant threat, as it systematically erodes public confidence in digital financial transaction platforms. Such erosion runs counter to the aspirations of an advanced and digitally empowered "Digital Bharat" and thus warrants a heightened degree of judicial circumspection. These offenses are characterized by their capacity to aggrieve a multitude of victims simultaneously, often with a single act of commission. The deleterious consequences of cybercrimes transcend individual boundaries, imperiling numerous unsuspecting citizens. The

gravity of such transgressions cannot, therefore, be understated. They not only jeopardize the financial security and trust reposed by individuals in financial payment gateways and platforms but also inherently expose the broader populace to analogous threats. Indeed, cybercrime in our nation operates akin to a silent virus — insidious, disruptive, and exacting a toll on society that extends far beyond mere pecuniary loss, encompassing the bedrock of trust, security, and national progress. Given the inherent nature and profound gravity of such offenses and their wide-ranging cascading effects on both society and financial institutions, this Court finds itself disinclined to grant the relief of anticipatory bail as prayed for. To do otherwise would be to turn a *Nelson's eye* to the profound and far-reaching detrimental impact of these digital depredations. 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.

8. 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. It goes without saying that in the instant case, the allegations against the petitioner are serious in nature involving the misuse of multiple bank accounts for illegal financial transactions. Furthermore, the co-accused Harshdeep, on his disclosure statement, has categorically sated that he has handed over the details and bank kits of

several accounts, including that of the complainant, to the co-accused Parvej Khan at the behest of the present petitioner. 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."*

9. In view of the gravity of the allegations, the nature of the offence and the pending recoveries and the requirement 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.

10. 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 27, 2025
Ajay

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