



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

**CRM-M-73254-2025**  
Decided on: 24.12.2025

Yogesh Giri

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Ashish Soi, Advocate, for the petitioner.  
Ms. Ramta Chowdhary, DAG, Punjab.

**Rajesh Bhardwaj, J.**

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.01 dated 08.02.2025, registered under Sections 318(4), 3(5) of BNS, 2023 at Police Station Cyber Crime Jalandhar, District Police Commissionerate, Jalandhar.

2. Succinctly, facts of the case are that an application was filed against unknown persons regarding cheating. As per the inquiry conducted by Assistant Commissioner of Police, Economic Offences and Cyber Crime, Commissionerate Jalandhar, statement of complainant Sanjeev Mahindru was recorded, wherein it was alleged that he is a retired employee from Doordarshan Jalandhar and he has one son and one daughter, both are married and are living in Canada. His wife also went to Canada to meet their children and the complainant is living alone at home to take care of his elderly mother. On 11.11.2024, at about 08:30 a.m., he received Whatsapp call and the caller disclosed him that he was an official from Crime Branch, Delhi and told that his Bank account was used for money laundering and



drug racket. After some time, the complainant received a copy of arrest warrant on his whatsapp number. Thereafter, he also received two more letters and was trapped by the accused person. The complainant was threatened and was forced to transfer Rs.79,144/- to the bank account number provided by the accused. Thereafter, on subsequent dates the complainant was harassed by the sending fake arrest warrants and the accused person obtained all the personal information of the complainant. Under compulsion the complainant transferred Rs.57,55,621/- by RTGS on dated 14.11.2024 into the bank account provided by the accused person. Thus, a request for registration of the FIR was made. On the registration of the FIR, the investigation commenced. During investigation, complicity of the petitioner surfaced and he was also arrayed as an accused in the present case. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Jalandhar praying for grant of anticipatory bail, however, after hearing both the side, learned Court declined the same, vide order dated 18.11.2025. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the petitioner himself is a victim, who was trapped by Hackers and Cyber Crime has been committed with him. He submits that the petitioner is a partner in a firm and had visited Vadodara (Gujarat) to purchase goods for his company and paid Rs.2.5 lacs to Maajid. However, as the goods were not supplied to him, Maajid returned the amount. He



submits that thereafter, he met the business partner of Maajid and fell into their trap, who cheated him. He has submitted that the petitioner has nothing to do with the present case and nothing is to be recovered from him. He, thus, submits that in these circumstances, the petitioner deserves to be granted anticipatory bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that an amount of Rs.14 lacs has been credited in the account of the petitioner. She further submits that the petitioner cheated the complainant with an amount of about Rs.60 lacs and thus, his custodial interrogation is required to unearth his role and to recover the said amount. She further submits that the investigation is at initial stage and grant of anticipatory bail to the petitioner at this stage, would scuttle the ongoing investigation. She, thus, submits that no case for grant of anticipatory bail to the petitioner is made out.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the complainant in this case was digitally arrested and was cheated with an amount of about Rs.60 lacs. There are transactions in the bank account of the petitioner with the co-accused. Thus, a *prima facie* is made out against the petitioner for the offence as alleged in the FIR. Investigation in this case is at threshold and recovery is yet to be effected. To know the *modus operandi* of the offence, custodial interrogation of the petitioner is required. Cyber Crime are rising day by day and are threat to the society at large.



6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

**482“Direction for grant of bail to person apprehending arrest:**

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
  - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
  - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
  - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
  - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous



advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he 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.”

8. Hon’ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this



Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

24.12.2025  
sharmila

Whether Speaking/Reasoned  
Whether Reportable

(RAJESH BHARDWAJ)  
JUDGE

: Yes/No  
: Yes/No