2025:DHC:9638

$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 28.10.2025
Date of Decision: 03.11.2025

\+ BAIL APPLN. 4667/2024

PARAMJIT KHARB .....Petitioner

Through: Mr. Anurag Ojha, Mr. Vipul Kumar and Mr. Dipak Raj, Advs.

versus

THE STATE (NCT OF DELHI) .....Respondent

Through: Ms. Meenakshi Dahiya, APP for State with Ms. Divya Bakshi, Adv.
Insp. Ajay Kumar, IFSO, Special Cell
Mr. Deepak Mayur, Mr. Rajiv Jain and Ms. Jyoti Sahay, Advs. for Complainant.

\+ BAIL APPLN. 740/2025

RAM KUMAR RAMAN .....Petitioner

Through: Mr. Nipun Gupta and Mr. Rajeev Dahiya, Advs.

versus

STATE GOVT. OF NCT OF DELHI .....Respondent

Through: Ms. Meenakshi Dahiya, APP for State with Ms. Divya Bakshi, Adv.
Insp. Ajay Kumar, IFSO, Special Cell
Mr. Deepak Mayur, Mr. Rajiv Jain and Ms. Jyoti Sahay, Advs. for Complainant.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

<u>J U D G M E N T</u>

%

1. The present applications under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (earlier Section 439 of the Code of Criminal Procedure, 1973[2]), being Bail Application No. 4667/2024 filed by Paramjit Kharb and Bail Application No. 740/2025 filed by Ram Kumar Raman, arise out of FIR No. 50/2024 registered at Police Station Special Cell, New Delhi for offences under Sections 419/420/120-B of the Indian Penal Code, 1860[3] and Sections 66C/66D of the Information Technology Act, 2000[4]. Since both applications pertain to the same FIR and emanate from the same chain of transactions, they are being disposed of by this common judgment.

Factual Matrix

2. The case of the prosecution, is that on 17.01.2024, the IFSO Unit of the Special Cell received multiple complaints from individuals who had been allegedly cheated through online investment groups created on WhatsApp and Telegram, operated under the name "CHC-SES." The complainants alleged that they were induced to invest in online trading through fake applications and websites, and after substantial sums were transferred, the accused persons stopped responding and blocked their access.

---

[1] Hereinafter "BNSS"
[2] Hereinafter "CrPC"
[3] Hereinafter "IPC"
[4] Hereinafter "IT Act"

3. On the basis of the said information, FIR No. 50/2024 was registered on 16.02.2024 at P.S. Special Cell under Sections 419/420/120-B of the IPC and Sections 66C/66D of the IT Act. The complaint of Vishal Sodhi forms the foundation of the present FIR, wherein it was alleged that he was induced to transfer a total of ₹29.5 lakh to an account maintained with Punjab National Bank, Dwarka Branch, in the name of "R.S. Trading".

4. Upon verification, it was found that "R.S. Trading" was registered in the name of Rinku Singh, having the email ID "rinkusinghrsom@gmail.com". Bank KYC documents and GST registration pertaining to this firm were obtained, which revealed linkage to the alleged transactions forming the subject of the complaint.

5. During the course of investigation, on 13.03.2024, one Munish Sharma was apprehended. He was subsequently arrested, and from his possession, five mobile phones were recovered. On forensic examination, one of the recovered devices was found logged into the aforesaid email account associated with "R.S. Trading".

6. Upon interrogation, Munish Sharma disclosed that he, along with Gaurav Kumar, used to procure and sell pre-opened bank accounts and credentials to other individuals for monetary consideration. He further stated that the said accounts were being sold to one Ram Kumar Raman, who would, in turn, provide them to certain foreign-based individuals engaged in online scams. It was also disclosed that the credentials of "Rinku Singh" were procured by

Gaurav Kumar through one Paramjit Kharb, who had created identity documents in that name.

7. On the basis of these disclosures, Paramjit Kharb was apprehended. The investigation alleges that he, in need of funds, fabricated Aadhaar and PAN cards in the assumed identity of "Rinku Singh," and thereafter opened several bank accounts and registered the firm "R.S. Trading." These accounts were allegedly sold to co-accused Gaurav Kumar and Munish Sharma for a consideration of ₹50,000 each. In turn, those accounts were resold to Ram Kumar Raman for ₹1,00,000 per account, who allegedly supplied them to others operating from Dubai.

8. Subsequently, on 20.03.2024, Ram Kumar Raman was arrested at the instance of Gaurav Kumar. From his premises, the investigating agency recovered mobile phones, laptops, and certain documents alleged to contain digital traces of communication with co-accused persons abroad. His role, as per the prosecution, was that of an account handler, who arranged such bank accounts for use in online cheating operations.

9. Upon completion of investigation, a chargesheet was filed before the learned Chief Metropolitan Magistrate, Patiala House Courts, for the offences mentioned hereinabove. The investigation is stated to be continuing with respect to other unknown accused and foreign links of the syndicate.

Submissions on behalf of Petitioners

10. Mr. Anurag Ojha, learned counsel appearing on behalf of the petitioner in Bail Application No. 4667/2024, as well as Mr. Nipun

Gupta, learned counsel appearing on behalf of the petitioner in Bail Application No. 740/2025, submit that both petitioners have been falsely implicated in the present FIR and that the entire case of the prosecution rests upon disclosures of co-accused persons, without any independent corroborative evidence connecting either petitioner to the actual commission of the crime.

11. Learned counsels submit that the FIR No. 50/2024 was registered on the complaint of one Vishal Sodhi, who alleged that he had transferred a sum of ₹29.50 lakh to an account in the name of "R.S. Trading", purportedly for investment purposes. It is urged that the petitioners were neither in contact with the complainant, nor beneficiaries of the said transactions, and that no money trail has been established from the complainant's account to either of the petitioners. It is submitted that the sole basis for their arrest is the alleged chain of account transfers disclosed by co-accused, which, by itself, cannot sustain criminal liability.

12. Learned counsel for the petitioner Paramjit Kharb submit that no recovery has been effected from his possession and that the allegation of having prepared forged identity documents in the name of "Rinku Singh" is unsubstantiated and unsupported by any documentary or forensic material. It is further contended that the identity of the petitioner himself has been misused by other accused persons, who are the actual perpetrators of the alleged operation. It is argued that the petitioner never opened any of the bank accounts in question, nor are his mobile number or email address linked to those accounts. It is submitted that the petitioner has co-operated throughout the investigation, and since the chargesheet has been filed, no further custodial interrogation is required. It is thus urged that there is no direct evidence linking the petitioner to the preparation of any forged identity documents or to the conduct of the alleged fraudulent transactions. The petitioner has remained in custody since 17.03.2024.

13. With respect to Ram Kumar Raman, it is contended that he has been implicated on the disclosure of co-accused, that no recovery has been made from him, and that no illegal transaction has been found to have been processed through his accounts. It is submitted that the alleged digital material recovered from his house, including mobile phones and a laptop, has not yielded any forensically verified incriminating information. The petitioner has remained in custody since 20.03.2024, and yet the investigation has failed to demonstrate that he was engaged in any online cheating activity. Learned counsel submits that mere possession of digital devices cannot justify prolonged incarceration, particularly when just the chargesheet has been filed and the charges are not even framed yet.

14. Learned counsel also highlight that some of the other co-accused, Munish Sharma and Gaurav Kumar, who were shown as the intermediaries responsible for purchasing and reselling such bank accounts, have already been granted regular bail by the learned Trial Court on 12.06.2024 and 13.09.2024 respectively. It is contended that the petitioners stand on an identical or lesser footing, as they are neither in possession of the cheated amount nor in a position to influence witnesses, and therefore, the principle of parity ought to operate in their favour.

15. It is further submitted that the petitioners have no previous criminal antecedents, are permanent residents of Delhi, and have co-operated fully with the investigation. It is contended that the investigation is complete, the chargesheet stands filed, and no further custodial interrogation is either sought or required by the investigating agency. Accordingly, continued incarceration would serve no useful purpose and would amount to pre-trial punishment.

16. Learned counsels submit that the alleged offences, though serious in nature, are punishable with imprisonment up to seven years, and therefore, bail is the rule and jail the exception. They contend that prolonged pre-trial detention violates the right to personal liberty under Article 21 of the Constitution of India. It is further submitted that there is no likelihood of the petitioners absconding, tampering with evidence, or influencing witnesses, as the relevant electronic and documentary evidence is already in the custody of the investigating agency.

<u>Submissions on behalf of the Respondent</u>

17. Ms. Meenakshi Dahiya, learned APP for the State opposes the bail applications. It is submitted that FIR No. 50/2024 arises out of a larger cyber-fraud scam run through the trading application "CHC-SES", where multiple victims, including Vishal Sodhi, Rajbir Yadav, Shailender Kumar and Manoj Kumar were induced to transfer monies into 24 different bank accounts. The preliminary enquiry pegs the collective loss at approximately ₹2.38 crore across these complaints.

18. Adverting to the instant FIR, it is submitted that ₹29.50 lakh of the cheated funds of victim Vishal Sodhi were traced to the Punjab National Bank, concerning "M/s R.S. Trading", whose KYC recorded the proprietor as "Rinku Singh".

19. As regards petitioner Paramjit Kharb, it is submitted that he opened mule accounts and later sold them, by forging identity documents. Investigation yielded that two separate Aadhaar identities were in operation—one in the petitioner's own name and another in the name of "Rinku Singh", and that a biometric verification at Punjab National Bank showed one thumb/biometric linking to the "Rinku Singh" Aadhaar and the other thumb/biometric linking to the petitioner's own Aadhaar, thereby forensically tying the petitioner to the forged identity used to open the "R.S. Trading" account. It is further submitted that the address on the forged identity was false.

20. To corroborate authorship and use of the forged identity, they rely upon Section 161 CrPC statements of (i) Deshraj Yadav, landlord of the premises taken for "R.S. Trading" at Uttam Nagar, who names Rinku Singh and Gaurav Kumar as the persons who obtained the premises on rent for ₹5500 per month under a rent agreement dated 25.03.2023, and who identified the petitioner as the same person who presented himself as "Rinku Singh" and furnished an Aadhaar in that name; and (ii) Akshay Kumar, employee of Punjab National Bank, who opened the "R.S. Trading" account, performed Aadhaar-based biometrics in the name of "Rinku Singh", and later, upon direction of the investigating agency. Therefore, a direct linkage between the petitioner and the forged "Rinku Singh" identity used to open the "R.S. Trading" account through which the ₹29.50 lakh was routed.

21. They further point to technical evidence, including IP logs supplied by the service provider for the email "rinkusinghrsom@gmail.com" associated with the "R.S. Trading" account, showing access from different places in India and from abroad, as well as the seizure of devices/phone numbers used in relation to that account from a co-accused. These, as per the learned APP, form part of the chain linking the forged identity to the banking infrastructure utilised for the fraud.

22. With respect to petitioner Ram Kumar Raman, it is submitted that he is one step higher in the hierarchy, functioning as a middleman/handler who purchased pre-opened bank accounts and SIM cards and sold them to individuals in Dubai, frequently travelling to Dubai for this purpose. It is stated that he provided remote desktop access (TeamViewer/AnyDesk) to foreign individuals to conduct banking over Indian IPs. On his arrest, 2 mobile phones, 1 laptop, 11 SIM cards, a printed booklet of cash memos of "M/s R.S. Trading," 3 HDFC ATM cards, 5 voter cards of different individuals and 4 cheque books were recovered.

23. It is further submitted that chargesheet has been filed against a total of nine accused persons, charges stand framed, and FSL report is awaited. It is submitted that investigation is continuing *qua* other conspirators and money trails. Given that the case forms part of a wider syndicate with several accused across multiple states and an overall exposure approximating ₹10 crore, production of all accused together has posed logistical difficulties, leading to delay and the next date before the learned Trial Court is 13.11.2025.

24. Learned APP also places on record criminal antecedents/other involvements of both petitioners, by reference to communications received from various police units across States concerning multiple FIRs involving "R.S. Trading".

25. On the strength of the foregoing, the learned APP for the State earnestly opposes the grant of bail and submits that the material collected during investigation unmistakably establishes the complicity of both petitioners in a well-organised cyber-fraud syndicate. The modus operandi involved the creation of forged identities and the opening of multiple bank accounts which were thereafter sold for use in cheating operations. It is emphasised that the prosecution witnesses, including bank officials and the landlord of the rented premises, have already identified the petitioners and linked them to the forged documents and premises used for the offence. The investigating agency maintains that the conspiracy is part of a larger and continuing network, several of whose members are yet to be apprehended or traced. Given the nature of the evidence, the magnitude of the fraud, and the foreign connections of the accused, there exists a substantial risk of tampering with evidence, repetition of similar offences, and abscondence if either petitioner is released on bail. The State accordingly contends that the gravity, scale and sophistication of the operation render the petitioners unfit for enlargement on bail at this stage.

Rebuttal submissions on behalf of Petitioners

26. Learned counsels appearing for both petitioners refute the submissions advanced by the learned APP and submit that the prosecution narrative suffers from material improbabilities and unsupported assumptions.

27. It is argued by learned counsel that the entire theory of two separate Aadhaar identities attributed to the petitioner Paramjit Kharb is inherently flawed. Learned counsel submits that every Aadhaar enrolment or updation necessarily involves multiple biometric verifications, which include both thumbs, fingerprints, and iris scans, and is authenticated by the server. Therefore, if the prosecution's version were to be accepted, such manipulation would have been technically impossible without detection by the Aadhaar authorities themselves. It is thus contended that the allegation of dual biometric identities of the same person is a mere conjecture unsupported by any independent report or verification.

28. It is next submitted that, even assuming *arguendo* that some bank accounts were opened through forged documents and subsequently transferred to third parties, the petitioner's alleged role, at its highest, ends with the creation or sale of such accounts. Learned counsel argues that there is no material to show any participation by the petitioner in the subsequent acts of cheating or inducement, and that the element of dishonest intention, a *sine qua non* for the offence under Section 420 of the IPC, is wholly absent insofar as he is concerned. The primary acts of deceit and inducement were committed later by others, and the petitioner cannot be vicariously implicated for offences that occurred after the alleged sale of those accounts.

29. Furthermore, the chargesheet itself records that the IP address, phone number, and email ID linked to the transactions were accessed by co-accused Munish Sharma, and not by the petitioner. It is further pointed out that when Munish Sharma was apprehended, he named Gaurav Kumar as his associate but did not name the petitioner at any stage of his disclosure or statement under Section 161 CrPC. This, according to the counsel, demolishes the prosecution's claim that the petitioner was part of the operative conspiracy.

30. Learned counsel also argues on the principle of parity, submitting that other co-accused persons alleged to have played a more direct and continuing role in the operation, including Munish Sharma and Gaurav Kumar, who have already been enlarged on regular bail by the learned Trial Court. It is contended that the petitioners, being on a similar or even lesser footing, cannot be subjected to differential treatment merely because their bail is sought at a later stage.

31. Dealing with the allegation of prior criminal antecedents, learned counsel submits that the FIRs relied upon by the State all arise from the same alleged network or syndicate and were registered subsequent to the present FIR in different parts of the country. None of those cases attribute any direct or independent role to either petitioner. The mere multiplicity of FIRs, all springing from a single factual matrix, cannot, by itself, amount to proof of repeated criminality.

32. Finally, learned counsel emphasises that no proceeds of crime have been traced to petitioner Paramjit Kharb, nor does he have any proven connection with the other five accused persons in the chargesheet. It is submitted that he is, in fact, a victim of exploitation, having been a person of limited means whose credentials were misused by the real operators of the syndicate. The petitioner's lack of knowledge, limited resources, and co-operation throughout the investigation, it is argued, demonstrate his *bona fides* and further militate against any inference of criminal intent.

<u>Analysis</u>

33. This Court has carefully considered the rival submissions advanced on behalf of the petitioners as well as the State and has also perused the material placed on record.

34. At the very outset, this Court would like to make this thing clear that the Hon'ble Supreme Court in a catena of judgments has made it clear that the grant of bail requires the consideration of various factors which ultimately depends upon the specific facts and circumstances of the case before the Court. There is no strait jacket formula which can ever be prescribed as to what the relevant factors could be. However, certain important factors that are always considered, *inter alia*, relate to *prima facie* involvement of the accused, nature and gravity of the charge, and the character, position and standing of the accused. Most importantly, at the stage of granting bail, the Court is not required to enter into a detailed analysis of the evidence in the case. Such an exercise may be undertaken at the stage of trial.

35. With that brief preface, this Court may turn to the present case.

36. In the present case, FIR No. 50/2024 discloses a well co-ordinated cyber-fraud operation wherein victims were induced to transfer substantial sums of money into multiple bank accounts created and operated through forged identities. The contribution of petitioner Paramjit Kharb in the entire operation of the alleged syndicate is not a matter for minute dissection at this stage. However, from the material placed before this Court, the main issue that emerges is whether he was responsible for the preparation of forged Aadhaar and PAN cards and the subsequent opening of bank account under a false identity.

37. The investigation reveals that Paramjit Kharb allegedly forged an Aadhaar Card carrying two biometric identities linked to the same individual — one genuine and the other in the name of "Rinku Singh". The statement of the Punjab National Bank employee further records that upon re-authentication, the petitioner was identified as the same person who had approached the bank to open an account for "M/s R.S. Trading" under the name of "Rinku Singh". Additionally, this Court cannot overlook the statement of Deshraj Yadav, the landlord of the premises rented in Uttam Nagar for "R.S. Trading", who named "Rinku Singh" and Gaurav Kumar as the persons who obtained the premises on rent and later identified the petitioner as the very individual who had presented himself as "Rinku Singh" and furnished an Aadhaar card in that name. These materials, read conjointly, furnish strong *prima facie* evidence linking the petitioner to the creation and use of the forged identity and the operation of the fraudulent account. So, this could be made out that the prosecution does not solely rely on the disclosure statements made by other co-accused, but also by corroborative evidence.

38. Another argument advanced by learned counsel for the petitioner, that he did not receive any proceeds of the alleged crime and that no recovery was made from him is a matter that must be determined during trial. At this stage, the Court's concern is confined to forming a *prima facie* assessment of the petitioner's involvement in the creation and use of forged identification documents that led to the opening of the bank account of "M/s R.S. Trading," which, according to the investigation, is the very account into which the complainant was induced to deposit the cheated amount.

39. The plea of technical impossibility raised by the defence, therefore, remains an evidentiary question which cannot, at this stage, displace the weight of the material collected during investigation.

40. As regards petitioner Ram Kumar Raman, the record shows recovery of multiple digital devices, SIM cards, ATM cards, and other documents. The material collected during investigation further reveals that the petitioner acted as a middleman/handler, purchasing pre-opened bank accounts and SIM cards and thereafter selling them to individuals based in Dubai. Such conduct, as borne out the recoveries effected from his possession, places him on a higher hierarchical footing in the chain of the alleged offence, indicating co-ordination beyond mere participation. At this stage, this Court can only take a *prima facie* view of the allegations and the role assigned to the petitioner, and on such assessment, there appears sufficient material to infer the petitioner's active involvement in the larger syndicate facilitating the involvement beyond the boundaries of the country.

41. While the Court takes note of the submission that certain co-accused have already been granted regular bail, it is pertinent to take note that the principle of parity is not an absolute right. In the present case, it is noticed from the bail orders placed on record that co-accused such as Munish Sharma, Manoj Bansal and Gaurav Kumar had different roles, which can be distinguished from that of the present petitioners.

42. The contention that the petitioners are without criminal antecedents is also rebutted by the prosecution by placing on record the details of several other FIRs registered against them across multiple states, all concerning the operations of the alleged firm "R.S. Trading". As far as both the petitioners – Paramjit Kharb and Ram Kumar Rama are concerned, the status report lists multiple cases against them together, including FIR No. 34/2024, Crime Branch, Mumbai; FIR No. 23/2024, Cyber Police Station (North Region), Mumbai; FIR No. 99/2024, Cyber Cell Headquarters, Shivaji Nagar, Pune; FIR No. 03/2024, Cyber Police Station, Nagaur, Rajasthan; FIR No. 12/2024, State Cyber Headquarters, Bhopal; FIR No. 19/2024, Cyber Crime Police Station, Kanchipuram; FIR No. 58/2024, CCID-I, Avadi, Chennai; FIR No. 06/2024, Cyber Crime Police Station, Sector-36, Noida; and FIR No. 26/2024, Cyber Crime (West), Sector-22, Palam Vihar, Gurugram, Haryana.

43. Even if this Court were to accept the argument advanced by learned counsels for the petitioners that these FIRs relate to the same alleged syndicate, were registered subsequent to the present FIR, and do not attribute independent acts to them, the very fact that such FIRs have been registered in multiple States, including Maharashtra, Rajasthan, Madhya Pradesh, Tamil Nadu, Uttar Pradesh, and Haryana, demonstrates that the present accusations are of a grave and far-reaching nature. The pattern of complaints and prosecutions across jurisdictions clearly shows that the impact of the alleged offences has transcended the territorial limits of Delhi, pointing instead to a widespread and systematic cyber-fraud operation. Thus, the multiplicity of these FIRs, even if connected, reflects not isolated acts but a continuing pattern of conduct with inter-State ramifications.

44. This Court is mindful that the chargesheet has been filed and that the FSL report is awaited. However, the investigation remains open in respect of other conspirators, and the case, by the State's account, spans several States and involves amount exceeding ₹10 crore. Given the organised nature of the offence, its inter-state as well as international ramifications, and the complex nature of the *modus operandi*, the possibility of tampering with evidence or influencing witnesses cannot be ruled out. The gravity of the offence and the systemic implications of such cyber-frauds weigh heavily against the grant of bail.

Conclusion

45. In view of the foregoing discussion, and bearing in mind the parameters governing the grant of bail, this Court is of the view that a detailed analysis of the evidence and an elaborate discussion on the merits of the case are wholly impermissible at the stage of considering bail. The questions concerning the admissibility, credibility, or effect of evidence, and the weight to be accorded to witness statements or confessions, are all matters to be adjudicated at the stage of trial, and not while exercising jurisdiction on a bail application. This Court confines itself only to assessing the existence of a *prima facie* case and finds that, in the present matter, the petitioners have not made out any ground warranting the exercise of discretion in their favour at this stage.

46. When the cases of both petitioners are examined together, it becomes evident that, though their individual roles may differ, each stands as an active participant in the larger fraudulent operation alleged in the present FIR. The material presently on record, viewed *prima facie*, discloses a clear nexus between the petitioners and the forged identities, bank accounts, recoveries, and the act of providing remote access to persons based in Dubai, all of which form the substratum of the offence.

47. This Court cannot lose sight of the alarming rise in cyber-crimes and financial frauds across the country. Such offences are not constrained by geographical boundaries and can be perpetrated remotely by individuals operating from any part of India, often leaving victims scattered across jurisdictions. In this backdrop, allegations such as those in the present case demand heightened judicial caution, as leniency at the bail stage could risk undermining deterrence in offences that are both trans-territorial and technologically complex.

48. Considering the gravity of the allegations, the organised manner in which the offence appears to have been executed, and the ongoing investigation into a wider conspiracy, this Court finds no justification for their enlargement on bail at this juncture.

49. The bail applications are, accordingly, dismissed.

50. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

51. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

NOVEMBER 03, 2025/gs/*yr*