

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH



CRM-M-6144-2026 (O&M)

Bapi Das ... Petitioner

Versus

State of Haryana and another ...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	07.05.2026
2	The date when the judgment is pronounced	12.05.2026
3	The date when the judgment is uploaded on the website	12.05.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Galib Kabir, Advocate and
Mr. Jaskaran Jeet Singh Sibia, Advocate and
Mr. Hiranmoy Dibnath, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Er. Vikram Singh, Advocate
for respondent No. 2/complainant.

Dr. Anita, complainant.
(Through VC)

MANISHA BATRA, J.

1. Prayer in this petition, filed by the petitioner under Section 483
of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short “BNSS”*), is for grant

of anticipatory bail to him in case arising out of FIR No.0038 dated 31.01.2025 registered under Sections 318(4), 319, 308(2), 336(3), 338, 340, 61(2) and 241 of Bharatiya Nyaya Sanhita, 2023 (*for short* “BNS”) and Sections 66C and 66D of the Information Technology Act at Police Station Cyber Crime (West), District Gurugram.

2. The aforementioned FIR was registered on the basis of complaint lodged by complainant Dr. Anita, a retired Principal alleging that on the evening of 03.01.2025, she had received a call on her cell phone. The caller told her that several complaints were registered against her for violation of illegal advertisements and sending harassing messages and an FIR was registered against her. She was also informed that three cell phone numbers, which she was using, would be blocked within short time. She also started receiving video calls from different numbers on her whatsapp and the callers told her that a bank account had been opened by her in favour of a person, who was accused of money laundering and committing frauds and she would be sent to jail for 14 years. She was forbidden from disclosing these facts to her family members under the threat that they would also be put to jail and their bank accounts would be frozen and that they would be mentally and physically tortured. She was forced to transfer a total amount of Rs.3,03,00,000/- from her bank accounts to different bank accounts, the numbers of which were disclosed by the callers. She was kept under digital arrest till the transfer of the above said amount of money and was not even made to leave her room. She was made scared of her life. Last video call was made to her on 31.01.2025, whereby threats were again extended to her.

3. After registration of the FIR, investigation proceedings were initiated. During investigation, it was revealed that an amount of Rs. 45 lakhs from the bank account of the complainant, was transferred in the beneficiary account No. 161005500474 operative at ICICI Bank in the first layer. This account was opened in the name of M/s Gajanan Fish Suppliers, through its proprietor Bapi Das, who is the present petitioner. It was also revealed that the petitioner was already in custody in connection with another case bearing FIR No. 18 dated 04.03.2025, registered under Sections 318(4), 319(2), 336(2), 336(3), 204, 308(6) and 61(2) of BNS at Police Station Cyber South, Mumbai. His presence in this case was secured through production warrants. He was produced before the Court of learned Judicial Magistrate at Gurugram on 17.07.2025 and was joined into investigation. He recorded his disclosure statement admitting his involvement in the crime and subsequently was arrested. He was sent to judicial custody at Arthur Road Jail, Mumbai where he was already confined. Challan against him was presented on 22.07.2025. After his release from Arthur Road Jail, Mumbai, he moved an application for grant of anticipatory bail in this case which was dismissed by the court of learned Additional Sessions Judge, Gurugram by order dated 04.12.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He himself is a victim and was entrapped by cyber scammers. On coming to know about the fact that his ICICI bank account had been compromised by scammers, he himself had lodged a complaint at Police Station Bhimpur, District Nadia, West Bengal, from where he hails. He was in judicial custody in Arthur Road Jail, Mumbai in connection with three cases which were falsely foisted against him. He was

produced before the jurisdictional magistrate in this case on 17.07.2025 and after three days of interrogation, was sent back to Arthur Road Jail, Mumbai. Subsequently, a final report was submitted against him. The allegations that have been leveled against him, have no basis. He was not named in the FIR. It is further argued that as per the allegations in the FIR, the petitioner was merely alleged to be part of the transaction chain wherein an amount of Rs.45 lakhs was transferred into his bank account, stated to be the first-layer account. Learned counsel submits that the petitioner was not the beneficiary of any part of the alleged transaction, inasmuch as the aforesaid amount was immediately debited from his account upon being credited therein. Rather, even the other amounts already lying deposited in his account were allegedly siphoned off, thereby making the petitioner himself a victim of the fraud perpetrated by cyber scammers. The essential ingredients for commission of subject offences are not made out at all against the petitioner. He has a permanent abode at West Bengal. Investigation qua the petitioner already stands completed and, therefore, his custodial interrogation is no longer required. He is not at flight risk and has already been granted the concession of bail in all the other cases registered against him. The proclamation proceedings were initiated against him only after he moved an application before the Court of Sessions for grant of anticipatory bail, which is pending for 11.05.2026. He was only shown to be arrested in this case on 17.07.2025, which was formal arrest and as such, he is entitled to be extended benefit of anticipatory bail. Hence, it is urged that the petition deserves to be allowed. To fortify his arguments, learned counsel for the petitioner has relied upon a judgment rendered by the High Court of Madras in State by *Inspector of*

Police, Anti Land Grabbing Special Cell, City Crime Branch, Trichy v. K. N. Nehru and others, 2012 (1) MWN (Cr.) 4 (DB).

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant, while placing on record the detailed status report, has vehemently argued that the petition is not maintainable as the petitioner had already been arrested in this case and had joined investigation. Proclamation proceedings have been initiated against him. Instead of surrendering before the learned trial Court, he has moved an application for grant of anticipatory bail. The allegations against him are serious in nature as he was one of the prime accused involved with other cyber fraudsters. In fact, his involvement in a well organized cyber fraud has been prima facie established on the basis of the evidence collected during investigation, as not only an amount of Rs.45 lakhs from the bank account of the complainant was transferred in his bank account but there are three more cases of similar nature and 45 complaints are pending before the National Cyber Crime Portal. He is involved in causing loss to the tune of Rs.25 crores to innocent persons. Even though his custodial interrogation might not be required, however, keeping in view the gravity of the allegations levelled against him, he does not deserve to be extended benefit of anticipatory bail. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner along with the co-accused is alleged to have hatched a conspiracy to commit online fraud/cheating by inducing public persons to part with huge amount of money and in pursuance thereof, co-accused by extending threats to the complainant had caused wrongful loss to

the tune of Rs.3,03,00,000/- to her by making her transfer this much amount in different bank accounts, which included the bank account of the present petitioner as well. The allegations reveal active and prima facie participation of the petitioner in the crime. His name had cropped up during investigation on checking the transactions which had taken place from the bank account of the complainant. The allegations levelled against him clearly indicate his involvement in the operational layer of a well organized cyber fraud, wherein a retired female was duped of a substantial amount of money by keeping her under digital arrest.

8. The petitioner was joined into investigation before the Illaqua Magistrate on 17.07.2025, when his presence was secured from Aurther Road Jail, Mumbai in pursuance of production of warrants. Learned counsel for the petitioner has argued that the arrest of the petitioner on that very date could be considered to be formal arrest only, thereby making him entitled to seek grant of anticipatory bail and to buttress his arguments in this regard, he has placed reliance upon the authority cited as *State by Inspector of Police's case (supra)*. However, on going through the entire material placed on record, this Court is of the considered opinion that the arrest of the petitioner cannot be stated to be a formal arrest in this case on 17.07.2025. After securing his presence by way of productions warrants, he was joined into investigation by the Investigating Officer and on that very day, was ordered to be remanded to judicial custody. It was only on account of peculiar circumstance that he was already lodged in a jail in Mumbai in connection with some other case that he had been sent there but that does not mean that he was not arrested in this case. Rather, he was deemed to be confined in judicial custody in connection

with this case as well. The ratio of law laid down in the aforementioned authority cited by the petitioner is that when an accused is involved in more than one case and has been remanded to judicial custody in connection with one case, there is no legal compulsion for the Investigating Officer in that case to effect formal arrest of the accused. He has got discretion either to arrest or not to arrest the accused in the latter case but he cannot arrest the accused in a mechanical fashion. While agreeing with the ratio of this law, this Court is of the considered opinion that the same is not applicable to the peculiar facts and circumstances of the present case, where the petitioner had been joined into investigation by securing his presence by way of production warrants and had also suffered a disclosure statement. Investigation qua him already stands completed and even challan has been filed. It was not a case where the petitioner was having apprehension of his being arrested on an accusation of having committed a non-bailable offence. Rather, he was already in constructive custody of the jurisdictional Court at Gurugram, once he had been arrested in this case. As such, his application for grant of anticipatory bail cannot be stated to be maintainable.

9. It is also noteworthy that while dealing with an application for grant of bail, the Court has to remain mindful of the gravity of the alleged offence, the broader societal implications of release of the accused and the need to preserve the integrity and fairness of the investigative and trial processes. The exercise of judicial discretion in bail matters had to be informed by a calibrated assessment of the nature and seriousness of the charge, the strength of the prima facie case, the likelihood of the accused fleeing justice or tampering with evidence or witnesses and the overarching

interest of ensuring that the trial proceeded without obstruction or prejudice. Cyber crimes constitute grave and organized offences which are committed with anonymity and technological sophistication, thereby causing substantial financial loss and eroding public confidence in digital transactions and banking systems. Such offences have wide societal ramifications as the proceeds of crime can be transferred instantaneously across multiple accounts, making detection and recovery extremely difficult. Keeping in view the gravity of the allegations levelled against the petitioner, the role attributed to him and the attendant facts and circumstances of the case, this Court is of the considered opinion that the present petition does not deserve to be allowed. Accordingly, the same is dismissed.

11. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

12.05.2026

Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No