2026:PHHC:034280

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11995-2026

Gurpreet

….Petitioner

versus

State of Haryana

….Respondent

Date of decision: March 06, 2026
Date of Uploading: March 06, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Saurav Bhatia, Advocate and
Ms. Preetkamal Uppal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

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SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (erstwhile Section 438 Cr. P.C.) on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail, in case FIR No.154 dated 19.12.2025, registered under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (erstwhile Section 420 Cr. P.C.), at Police Station Cyber Crime, Rewari.

2. The prosecution case, in brief, is that complainant, namely, Satyavir Singh Yadav stated that he received a WhatsApp message from mobile number 99333-11774 from a person who introduced herself as

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Anyana Mehta from Motilal Oswal Trading Company. The complainant was persuaded to install an APK file named "MUFSL Max" on his mobile phone and was induced to invest in shares, with the assurance that he would earn substantial profits by investing in the shares as suggested. Thereafter, the complainant received bank account details from mobile number 78921-88603 for transferring the investment amount. Being influenced by their representations, the complainant transferred ₹50,000/- on 27.07.2025, ₹50,000/- on 29.07.2025, ₹50,000/- on 13.08.2025 and ₹2,85,250/- on 14.08.2025. All these transactions were reflected and updated in the said APK application, wherein a significant profit was also shown in his Demat account. However, after some time the APK application stopped functioning, and the complainant realized that he had been cheated. In this manner, a total fraud of ₹4,35,250/- was committed with the complainant.

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 the petitioner was not named in the FIR and there is not even an iota of evidence available with the prosecution to show complicity of the petitioner in the offence in question and/ or not even any allegation has been leveled against the petitioner. Learned counsel has iterated that the petitioner has been implicated on the basis of disclosure of co-accused, which is *per se* not tenable in law. Learned counsel has further iterated that the petitioner owns two bank accounts and he has not received any amount in question in the said bank accounts. Learned counsel has further argued that there is an unexplained delay of 04 months in lodging the FIR in

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question. Learned counsel has further argued that assuming *arguendo*, the prosecution version is taken to be correct, no offence, under Section 318(4) of the BNS (erstwhile Section 420 IPC), is made out against the petitioner.

3.1. Learned counsel has further submitted that there is no need for custodial interrogation of the petitioner as nothing incriminating is 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. Learned State counsel has argued that, in case, the petitioner is released on bail, there is all likelihood that he may abscond from the process of justice as also intimidate/ interfere with the prosecution evidence/ witnesses. According to learned State counsel, the complainant has been cheated for a huge amount of Rs.4,35,250/- and, thus, the offence committed by the petitioner and his co-accused is serious in nature. 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.

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6. As per the case put forth by the prosecution as also perusal of the impugned order shows that complainant was defrauded to the tune of ₹4,35,250/-. Though the petitioner was not specifically named in the FIR, his involvement surfaced during the course of investigation through the disclosure statement of co-accused Raj Kumar. As per prosecution case, the petitioner, in collusion with co-accused – Manish, got a firm registered in the name of Pro-Craft Builder and thereafter, got a current account opened through co-accused – Raj Kumar, and in greed of monetary gain, the said current account was provided to cyber fraudsters through co-accused – Akshay for facilitating fraudulent transactions. Moreover, in another case bearing FIR No.224/2025, certain amount of commission as well as the stamp of the said firm Pro-Craft Builder has been recovered from the possession of the petitioner. The commission received by the petitioner from the fraudulent transactions is yet to be recovered from him.

7. It is befitting to mention here that adjudication of bail pleas, particularly in cases concerning cybercrimes and online fraud, necessitate 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

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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.

8. 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.

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. It goes without saying that in the instant case, the allegations against the petitioner are serious in nature. The investigation is at nascent stage. It is further 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

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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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.*"

10. In view of the gravity of the allegations, nature of the offence and the requirement of custodial interrogation for a fair and thorough investigation, this Court is of considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. The petition is, thus, devoid of merits and is hereby **dismissed**.

11. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

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12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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