



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M No.12470 of 2026 (O&M)
Date of Decision: 13.03.2026

Ajay Kumar Mishra

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. L.S.Sekhon, Advocate for the petitioner.

Mr.S.S.Nahar, AAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is second petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition has been filed with regard to a case arising out of FIR No.23 dated 06.06.2025, for the commission of offence punishable under Sections 61(2), 318(4), 319(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Cyber Crime, District Patiala.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being pursuant to an inquiry conducted on the complaint submitted by 'Manjit Singh', with regard to alleged fraud played by petitioner. It was stated by the complainant that he was a retired Deputy Chief Engineer of PSPCL and that on his Whatsapp number he received a message in the last week of March 2025 regarding investment of money. The



details of number were given by the complainant as +917048224058, +9170941556103, +918433928249. According to complainant he started chatting on the above mentioned number, and thereafter, he was added to a whatsapp group named '88 City Group High Profit Stock study Group'. As per complainant the assurance of high returns on the invested money was given to him, and thus, he fell into the trap of the fraudsters, while believing that the offers made to him, were true and accurate. The complainant further alleged that he transferred a sum of Rs.88,00,000/- during the period from 05.05.2025 to 28.05.2025 into different accounts and when he asked for the return of money, it was refused. While alleging that he had been subjected to cyber fraud, the complainant asked for action against the petitioner.

3. It is the case of the prosecution that on the basis of above mentioned complaint formal FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation it was revealed that a part of the proceed of crime was transferred into the account of petitioner.

4. **Notice of motion.**

5. Since advance notice has already been served, Mr. S.S.Nahar, AAG Punjab, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. No formal reply has been filed by the State. However, the learned State counsel has orally opposed the present petition.



6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has been falsely implicated in the present case. As per learned counsel for the petitioner the bank account of the petitioner has been used by the fraudsters but, in fact, no proceed of crime has been received by the petitioner.

8. It has also been contended by learned counsel for the petitioner that this is the second petition for bail filed by the petitioner, and that, first petition was dismissed on 23.02.2026. According to learned counsel for the petitioner after the dismissal of former bail petition the benefit of bail has been accorded to two co-accused, and therefore, a fresh ground for filing of present petition has accrued to the petitioner.

9. The above mentioned arguments have been controverted by learned State counsel. According to learned State counsel in the present case *firstly*, from the date of dismissal of former bail petition no fresh ground for bail is made out, *secondly* the case of the petitioner is not at parity with his co-accused, who has been accorded the benefit of bail, because the co-accused had not received any money in their accounts. As per learned State counsel when the above mentioned distinction was drawn by the learned Court during the course of hearing, the learned counsel for the petitioner had withdrawn the petition qua petitioner.

10. The record has been perused carefully.

11. A careful perusal of the record shows that in the present case



within a span of less than 20 days the second petition has been filed on the premise that after the dismissal of former bail petition the benefit of bail has been given to co-accused.

12. With regard to above, it is relevant to mention her that the case of the petitioner stands on a different footing in comparison to the cases of co-accused namely 'Shrikant Arvind Kulkarrani' and 'Kishore Gulabrao Desale', who have been accorded the benefit of bail. Thus on the ground of parity the petitioner is not entitled for the benefit of bail.

13. Since from the date of dismissal of former bail petition no significant change in circumstances has taken place, it is hereby observed that the petitioner is not eligible to maintain the second petition for bail, i.e. the present petition, within a period of less than 20 days from the date of dismissal of former bail petition has been filed.

14. Otherwise also a perusal of record shows that there are very specific and categorical allegations against the petitioner that he received the proceed of crime in his bank account. The above mentioned fact renders him ineligible for the benefit of bail. Merely on the basis of an oral statement, that he was not aware of the transfer of above mentioned money in his account, cannot absolve the petitioner of his criminal liability. In the present case, this fact cannot be ignored that the present case is a case of cyber crime and it has been observed by Hon'ble Apex Court that such type of cases should be dealt with an iron hand. The nature of cyber crime is such that it is threatening and adversely affecting the regime of digital transfer of



money, and such an activity should not be accepted in the society.

15. Taking into consideration the cumulative effect of all the above mentioned factors, in the present case, it is hereby held that the petitioner is not entitled for the benefit of bail, and the present petition is devoid of merit & deserves dismissal. Hence the same is hereby **dismissed** accordingly.

(SURYA PARTAP SINGH)
JUDGE

13.03.2026
Manoj Bhutani

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