



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-14924-2026
Date of decision : 18.03.2026

PARAMJIT SINGH

.....PETITIONER

Versus

STATE OF UT CHANDIGARH

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Manish Bansal, P.P. U.T., with
Mr. Dixit Bhardwaj, Advocate,
Ms. Sarasmi, Advocate
for the U.T., Chandigarh.

SURYA PARTAP SINGH, J. (Oral):

1. This petition for pre-arrest bail, is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.3 dated 09.01.2026, for the commission of offence punishable under Sections 308, 318(4), 319(2), 338, 336(3), 340(2), 61(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Cyber Crime, U.T. Chandigarh.
2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of 'Krishan Chand', hereinafter being referred to as complainant only. It was stated by the above-named complainant that on 07.01.2026 at about 05:50 P.M. he received a call on his



mobile phone from an unknown number and the caller claimed him that he was a police officer posted at Colaba Police Station Mumbai. According to complainant, he was told by the caller that a card issued in his name had been used for money laundering purposes, and therefore, the complainant would be arrested and his entire property would be confiscated.

3. It was also stated by the complainant that the caller also told him not to leave his house as in such case, he would be shot. The complainant further stated that thereafter, he received a whatsapp video call from another number, wherein a person wearing a police uniform threatened and intimidated him, and stated that he had been arrested digitally. According to complainant, thereafter a similar call was received by his wife and she, too, was digitally arrested. It was further stated by the complainant that the arrest warrant and other documents were sent to him through whatsapp, and thereafter, a person called them, identifying himself as the Director of CBI. As per complainant by putting him and his wife under fear of imminent arrest and prosecution, a sum of Rs.38,00,000/- was got deposited in Axis Bank account No.925020059588797 in the name of Navjeevan Nirman Trust.

4. It is the case of the prosecution that in view of above-mentioned statement formal FIR of this case was lodged, and the investigation taken up.

5. Notice of motion.

6. Since advance notice has already been served upon the State, Mr. Manish Bansal, P.P. U.T., Chandigarh, accepts notice on behalf of respondent-State. Hence, the service of notice upon the State is hereby dispensed with.

7. Heard.



8. It has been contended by learned counsel for the petitioner that the petitioner is innocent, having no nexus, whatsoever with the commission of crime, and that the name of the petitioner does not figure in the FIR. It has also been contended by learned counsel for the petitioner that in the present case the entire allegation of the prosecution revolves around the plea that the complainant was subjected to fraud, wherein he suffered loss of Rs.38,00,000/-, and that the role assigned to the petitioner is that he converted the money received from the complainant into Crypto currency. According to learned counsel for the petitioner, one of the notable fact involved in the present case is that as per facts projected by the Investigating Agency, before the learned Court of Sessions, the amount received by deception of complainant has already stands freezed in the first layer account.

9. The learned counsel for the petitioner has further contended that once the amount itself stands freezed, the question of withdrawal or transfer of money does not arise. According to learned counsel for the petitioner if there was no transfer or withdrawal of money received by deception of complainant, the conversion of the same in Crypto currency does not arise at all. The learned counsel for the petitioner has also contended that the petitioner is an old aged person, who has been implicated in the present case without any legally admissible evidence and, therefore, he is entitled for anticipatory bail.

10. The learned State counsel has controverted the above-mentioned arguments. It has been contended by learned State counsel that in the present case the investigation is at infant stage and during the course of investigation, it has transpired that a racket which was involved in the incident of digital



arrest of the complainant, had got transferred Rs.38,00,000/- in his account fraudulently, and that the moment complainant came to know about the above-mentioned deception, he immediately informed the police and the police was able to freeze the account, wherein the money was transferred. According to learned State counsel in the above-mentioned account the money equivalent to the amount received from the complainant has been freezed, but in that account there were other funds also, and the other funds were utilized by the racket consisting of petitioner and other accused, for converting into Crypto currency. It has further been contended by learned State counsel that the petitioner is part of a racket involved in Cyber fraud, and that the exact role of the petitioner is yet to be fixed and for that purpose his custodial interrogation is necessary.

11. The record has been perused carefully.

12. At the very out-set it is relevant to mention here that the petitioner has approached this Court for the concession of anticipatory bail. It is settled principle of law that the above-mentioned concession is a discretion to be exercised by the Court in a judicious manner. With regard to circumstances in which the above-mentioned discretion should be exercised, the guidelines have been prescribed by Hon'ble Supreme Court of India in various judicial pronouncements. In this regard in the case of 'Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282', has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.



13. The Hon'ble Supreme Court in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

14. Similarly, in the case of 'Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024', the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

15. In the case of 'Gurbaksh Singh Sibbia etc. v. State of Punjab 1980 SCC (2) 565', the Hon'ble Supreme Court of India held that:-

- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received



from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

16. In the light of above-mentioned principles of law if the factual matrix of the present case is analyzed, it transpires that in the present case, there are very specific allegations against the petitioner, based on the disclosure statement of co-accused, that he was instrumental in converting the currency so received from the complainant or other victims into Crypto currency. There is no denial of the fact in the present case a huge amount was received by the fraudsters by digitally arresting the victim/complainant. The above-mentioned act of the petitioner and his co-accused comes within the ambit of Cyber crime. The magnitude of the Cyber crime, involving financial extortion and impersonation as law enforcement official poses a serious threat to the public confidence in digital transaction. The sophisticated nature of the crime, the quantum of deception and the money involved therein magnifies the negative impact of such actions on the society.

17. Since a very specific and prime role has been attributed to the petitioner in the commission of crime, in order to fix the role of the petitioner in financial transaction, his custodial interrogation is imperative. Such custodial interrogation will definitely help the Investigating Agency in unearthing the entire conspiracy, the other perpetrators of crime, the money trail etc. Such an effort on the part of Investigating Agency will prevent the recurrence of such offences, and therefore, merely on the ground that petitioner is an old age person or that he has no criminal antecedent, he is not entitled for the benefit of bail.



18. It is also relevant to mention here that right of custodial interrogation of an accused/suspect is a valuable right of the Investigating Agency and the denial of such right can be made only in exceptional circumstances. However, the factual matrix of the present case shows that no such exceptional circumstance exists in the present case.

19. Taking into consideration the cumulative effect of the entire discussion, contained in the forgoing paragraphs, it is hereby observed that custodial interrogation of the petitioner in the present case is necessary, and that he is not entitled for the benefit of anticipatory bail. Hence, finding no merit, the present petition is hereby **dismissed**.

(SURYA PARTAP SINGH)
JUDGE

18.03.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No