



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

217-II

CRM-M-16909-2026 (O&M)
Date of decision : 19.05.2026

Dharminder Kumar @Dharu

..... Petitioner

VERSUS

State of U.T. Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Gurbir Singh Sandhu, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T. Chandigarh with
Mr. Dixit Bhardwaj and Ms. Sarasmi Budhiraja, Advocates
assisted by SI Kulwinder.

SURYA PARTAP SINGH, J.

This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.35 dated 17.04.2025, for the commission of offence punishable under Sections 318(4), 61(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Cybercrime, Chandigarh.

2. The abovementioned FIR came into being at the instance of 'Manish Aggarwal, hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 05.10.2023, he saw a notification in the newspaper with regard to opening of a 'Toyota' dealership. As per complainant, he downloaded the form from the link given in the abovementioned notification and sent the duly filled application Form, on the given address.



3. According to complainant, after two-and-a-half months, he received a call and the caller told him that the application for dealership filed by the complainant had been received. It was further stated by the complainant that during conversation, the details of information etc. were collected from him and thereafter, a Zoom meeting was arranged and he was asked to deposit the money. According to complainant, in view of abovementioned instructions, under the impression that he would be allotted dealership of 'Toyota' car, he paid Rs.54 lacs through bank transactions in two different bank accounts. As per complainant, later on he came to know that he had fallen prey to fraudsters involved in the cybercrime.

4. It is the case of the prosecution that pursuant to abovementioned complaint, formal FIR of this case was lodged and the investigation taken up. According to prosecution, during the course of investigation, accused 'Santosh Kumar Yadav @Pintu' has been arrested, who on interrogation suffered a disclosure statement and pursuant to abovesaid disclosure statement, the present petitioner was arrested and from his possession, six passbooks, five ATM cards of various banks belonging to different account holders, three SIM cards and two mobile phones were recovered.

5. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. Status report has already been filed by the State. The same, too, be taken on record.

6. Heard.



7. 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 he has been arrested in the present case, merely, on the basis of evidence, which has no legal sanctity. According to learned counsel for the petitioner, the offence is triable by the Court of Judicial Magistrate, and that the petitioner has already suffered incarceration for a period of more than six months. As per learned counsel for the petitioner, nothing has been left to be recovered from the possession of petitioner, and that the trial is not likely to be concluded in near future, and therefore, the petitioner is entitled for the benefit of bail.

8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, in the present case, there is direct link between the petitioner and the beneficiary of the crime, and that the abovementioned link shows that the petitioner was member of the gang, which was involved in committing fraud with the complainant. As per learned counsel for the petitioner, the documents and evidence on record collectively establish that the petitioner played an active role in the procurement, layering and concealment of cyber fraud proceeds.

9. The learned State Counsel has also contended that during the course of investigation, two mobile phones, five ATM cards, six passbooks and three SIM cards were recovered from the possession of petitioner, which in itself speak about the active involvement of petitioner in the commission of crime. As per learned State Counsel, being in possession of multiple ATM cards and passbooks cannot be an act of ordinary nature and needs explanation from the petitioner, but he has failed.



10. The record has been perused carefully.
11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -
- i. that instant case belongs to cyber fraud;
 - ii. that perusal of record shows that the cheated amount was routed through the account arranged by the present petitioner;
 - iii. that two mobile phones, five ATM cards, six passbooks and three SIM cards were recovered from the possession of petitioner at the time of his arrest;
 - iv. that the total custody period of the petitioner is merely six months, which by any standard cannot be treated to be a period, to lead to an inference that there is delay in trial; and
 - v. that the prime witnesses are yet to be examined in this case.
12. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby observed that the petitioner is not entitled for the benefit of bail and the present petition deserves dismissal. The same is hereby ***dismissed***, accordingly.
13. However, it is clarified that the abovementioned observations shall not have any bearing upon the merits of the case.
14. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

19.05.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No