IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222 **CRM-M No.18983 of 2026 (O&M)**
Date of Decision: 18.05.2026

Zala Rohitbhai Rameshbhai

......Petitioner

Versus

State of Haryana

...... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Ms. Mandavi Pandey, Advocate for the petitioner (through hybrid mode).

Ms. Deepali Verma, AAG, Haryana.

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 pertains to a case arising out of FIR No.3 dated 30.01.2024, for the commission of offence punishable under Sections 406 and 420 [Sections 120-B added later on and Section 406 was deleted] of Indian Penal Code, Police Station Cyber Police Station Mahendergarh, District Mahendergarh.

2. The abovementioned FIR came into being at the instance of 'Rajender Prasad', hereinafter being referred to as 'complainant', only. It was stated by the above named complainant that he was induced by unknown persons through Telegram groups on the pretext of earning money by completing online tasks, such as giving Google reviews and making investments. Initially, the complainant received small payments to gain

confidence, thereafter, he was lured into depositing a substantial amount on the assurance of higher returns. In this process, the complainant deposited a total amount of Rs.35,91,432/- in different bank accounts as directed by the accused persons. When the complainant attempted to withdraw the invested amount, he was asked to deposit further sums, upon which he realized that he had been cheated.

3. It is the case of the prosecution that in view of above mentioned complaint formal FIR of this case was lodged and the investigation taken up. During the course of investigation it was found that out of the above said amount, the present petitioner received an amount of Rs.2,88,000/- and Rs.3,50,000/- in his bank account bearing No.15410109166820 maintained with Federal Bank by direct transfer from the account of complainant.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

5. Reply on behalf of State is already on record.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is not a well educated person as he has studied up to seventh standard only, and that he is working on a small shop. As per learned counsel for the petitioner without his knowledge his account has been used as a mule account for the transaction of money. According to learned counsel for the petitioner, in fact, one of the cousin of petitioner took advantage of his trust and without telling him he procured his pass book and other bank documents,

and thereafter, misused the above mentioned account for receiving the money. It has also been contended by learned counsel for the petitioner that education level of the petitioner in itself shows that he cannot be a part of any syndicate, involved in cyber crime.

8. In addition to above, the learned counsel for the petitioner has also contended that otherwise also the offence is triable by the Court of Judicial Magistrate and the maximum punishment prescribed for the offence is imprisonment up to 7 years, and that the petitioner has already suffered incarceration of a period of more than nine months. As per learned counsel for the petitioner, the petitioner has the responsibility of two young children who do not have mother, and that main culprit in the present case has not been arrested by the police.

9. It has also been contended by learned counsel for the petitioner that even the Hon'ble Supreme Court of India has accorded the benefit of bail to such kind of accused who themselves are victim of circumstances as their account has been used by the cyber fraudsters as mule account.

10. In view of above, it has been contended by learned counsel for the petitioner that the petitioner has already suffered prolonged incarceration and that the trial is not likely to be concluded in near future. The learned counsel for the petitioner has further contended that the petitioner has not been prosecuted in any other case, and therefore he is entitled to the benefit of bail.

11. The learned State Counsel has controverted the abovementioned

arguments. It has been contended by the learned State counsel that in the present case the petitioner is a person qua him there is direct evidence with regard to receipt of more than Rs.6,38,000/-in his account. As per learned State counsel nothing could be recovered from the petitioner as he had already transferred money, so received. It has also been contended by the learned State counsel that petitioner does not have antecedents, and that the account has been used for six other cyber fraud also qua which the complaints are on the web-portal. While claiming that petitioner is active member of the gang involved in cyber fraud, the learned State counsel has sought for dismissal of present petition.

12. The record has been perused carefully.

13. A careful perusal of record shows that instant case is one of the rare case, wherein there is direct evidence with regard to involvement of any person in cyber crime. The copy of statement of account of the petitioner has been placed on record which shows that a sum of Rs.2,88,000/- was received by the petitioner by way of transfer from the account of complainant on 18.01.2024 and Rs.3,50,000/- on 19.01.2024. It is also relevant to note here that without delay, i.e. on 19.01.2024 itself, huge withdrawal were made from the account of petitioner, and thus, the money so received has been siphoned-off. In view of above, the proximity between the commission of crime and the present petitioner prima facie stands established in this case.

14. In addition to above, it is relevant to mention here that the petitioner does not have clean antecedents, as the account of petitioner has been used for six other cyber frauds for which the complaints are available on

online portal, and in the present case he has not even co-operated during the course of investigation and the money, which is proceed of crime, has not been recovered yet.

15. Taking into consideration the cumulative effect of all the above mentioned factors, the direct involvement of the petitioner in the commission of crime, the quantum of money involved in the case and the impact of such type of cyber fraud on the financial health of the society, if considered co-jointly, leads to a conclusion that the petitioner is not entitled to the benefit of bail and the present petition deserves dismissal. The same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

18.05.2026
Manoj Bhutani

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