2026:PHHC:077721

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20298-2026

S. Manjesh

….Petitioner

versus

State of Haryana

….Respondent

Date of decision: May 18, 2026
Date of Uploading: May 18, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Jitender Malik, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

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SUMEET GOEL, J. (ORAL)

Present second petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail to the petitioner, in case bearing FIR No.123 dated 18.09.2025, registered for the offences punishable under Sections 66C, 66d of the Information Technology Act, and Sections 204, 308(4), 318(4), 336(3), 338, 340, 61 of the BNS, 2023, at Police Station Cyber Police Station, District Rohtak.

The first plea for grant of regular bail was dismissed as withdrawn on 02.02.2026.

2. The gravamen of the FIR in question is that the petitioner, in criminal conspiracy with the co-accused persons and in furtherance of the said conspiracy, cheated and defrauded the complainant and his wife of an amount of ₹1,33,80,000/- through various bank transactions. It is alleged that the defrauded amount was initially credited into the bank account of S. Santosh Parbhu and thereafter transferred to different bank accounts on various dates.

The complainant further alleged that the persons who contacted him impersonated officials of the CBI and, by putting the complainant and his wife under so-called "*digital arrest*" induced and coerced them into transferring the aforesaid amount. It is further alleged that the accused persons thereby committed cyber fraud.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the instant case. A bare perusal of the FIR in question would show that the petitioner has not been named therein. Learned counsel has further submitted that there is nothing on record to show any direct nexus of the petitioner with the alleged crime and even, no specific role or overt act has been attributed to the petitioner. Learned counsel has submitted that the petitioner has been implicated solely on the basis of disclosure statement co-accused, which is not tenable in law. Learned counsel has further argued that the entire case is based on documentary proof and electronic evidence, such as bank account statements, RTGS transactions, Call Detail Records and digital communications and the same are already in possession of the investigating

agency. Learned counsel has urged that there is no evidence that any alleged mule account was being operated by the petitioner or any transaction was made by the petitioner. Learned counsel has submitted that essential ingredients of dishonest gain to the petitioner are completely missing in the prosecution version.

3.1. According to learned counsel, the challan has already been submitted and nothing remains to be recovered from the petitioner. It has been argued that the petitioner has been in custody since 25.09.2025 and keeping him further incarcerated would serve no useful purpose particularly when the trial is likely to take long time. On the basis of aforesaid submissions, the grant of instant petition is entreated for.

4. *Per contra,* learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature. Learned State counsel has submitted that the petitioner along with his co-accused has cheated/ defrauded the complainant and his wife to the tune of Rs.1,33,80,000/- and they digitally arrested the complainant and his wife in their house. Learned State counsel has urged that the gravity of the offence, coupled with its growing menace in the Society requires a strict approach by the Court. It has been further submitted that although the challan has been filed and charges have been framed, the trial is still at its nascent stage. Grant of bail, at this stage, would create a real apprehension that the petitioner may tamper with the remaining witnesses. Furthermore, learned State counsel has submitted that the economic offences, particularly those involving cyber fraud and cheating,

are to be treated strictly since they erode public trust and cause widespread harm to innocent citizens. On the basis of these submissions, the dismissal of the instant petition is prayed for.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated, and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing, and overall conduct of the accused play a crucial role. Furthermore, the court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490,*** relevant whereof reads as under:

> "*14. It is well settled that the matters to be considered in an application for bail are (i)whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v)*

> *character, behaviour, means, position and standing of the accused;(vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see* ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280*** *and* ***Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179****). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in* ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528*** *:"The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*
> *a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
> *b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
> *c. Prima facie satisfaction of the court in support of the charge. (see* ***Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 andPuran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.***"

7. Indubitably, serious and specific allegations have been levelled against the petitioner. The petitioner, in connivance with the co-accused persons and in furtherance of a criminal conspiracy, cheated and defrauded the complainant and his wife to the tune of ₹1,33,80,000/- through various bank transactions. It has been observed by the trial Court that the persons who contacted the complainant represented themselves to be officials of the CBI and, by subjecting the complainant and his wife to so-called "digital arrest" induced them to transfer the aforesaid amount into different bank accounts. It has been further observed that the defrauded amount was initially transferred into the bank account of S. Santosh Parbhu and

thereafter routed through various other bank accounts on different dates, thereby constituting a well-planned cyber fraud.

7.1. Learned trial Court found that during investigation, one mobile phone and cash amounting to ₹20,000/-, allegedly part of the defrauded amount, were recovered from the petitioner. The forged documents were prepared and used for the purpose of cheating and defrauding the complainant and his wife. As many as nine other complaints of similar nature have also been registered against the accused persons in different parts of the country. The petitioner and the co-accused kept the complainant and his wife under "digital arrest" till the entire amount was transferred by them into the bank accounts provided by the accused persons.

7.2. The gravity of the offence cannot be minimized as such frauds are increasingly rampant and cause significant financial as well as psychological distress to innocent victim. Furthermore, the economic offences, particularly those involving financial fraud and cheating constitute a distinct category of crime and must be viewed with great seriousness. It is a settled law that the economic offences are of serious nature and require a different approach while considering a petition for bail.

8. The contention of the petitioner that he has been falsely implicated is a matter of defence and can only be adjudicated upon during the course of trial. At this stage, the alleged recovery shown from the petitioner coupled with the nature of allegations *prima facie* points towards his complicity.

9. The argument that the petitioner was not named in the FIR also does not carry much weight once subsequent investigation has disclosed his role. Furthermore, the cyber frauds are on the rise and the Courts cannot be oblivious to the fact that such offences erode trust in digital transactions, which form the backbone of modern economy. The larger societal interest must also be kept in mind while considering bail in such cases. At this stage, releasing the petitioner on bail may hamper the trial and prejudice the case of the prosecution.

10. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail at this stage.

11. In view of above ratiocination, it is directed as under:

(i) The instant petition, being devoid of merit, is hereby **dismissed**.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

May 18, 2026
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No