In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-25839 of 2026

Date of Decision: 13.05.2026

Saheen Khan

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Sarfraj Anjum Mor, Advocate for the petitioner(s).

Mr. Rajiv Malhotra, Deputy Advocate General, Haryana, for the respondent.

Surya Partap Singh, J.

1. 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. 66 dated 09.09.2024, for the commission of offence punishable under Section(s) 420 and 120-B of 'the Indian Penal Code, 1860', Police Station Cyber Crime Karnal, District Karnal, Haryana.

2. The FIR of this case came into being at the instance of 'Karamjeet Singh', hereinafter being referred to as 'complainant' only. It was stated by the complainant that he was nominee of the bank account of his son, namely Mandeep Singh', and that from the above-mentioned account, a sum of ₹36,00,589.19 had been illegally withdrawn.

3. It is the case of the prosecution that pursuant to 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 found that the withdrawal of money had taken place in a very peculiar circumstance. As per Investigating Agency, when son of complainant left the country, he discontinued the use of his mobile No.98131-16064, and in such eventuality, after some time the same mobile number was allotted by the service provider to 'Saheen' (the petitioner herein).

4. It has been further alleged that when 'Saheen' used the above-mentioned SIM card, he started receiving messages with regard to deposit of money on the above-mentioned number, and thus, came to know about the deposits in the account of the son of complainant. According to Investigating Agency, taking advantage of the situation, that the above-mentioned mobile number was still attached with the account of son of complainant, he siphoned-off money from the above-mentioned account, by transferring various amounts to different accounts.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner is innocent who has been falsely implicated in the present case, merely, because the sim card, which was issued in the name of petitioner, has been misused by his brother 'Dilshad Khan'. As per learned counsel for the petitioner, the benefit of bail has already been accorded to the co-accused 'Dilshad Khan and therefore, the petitioner, too, is entitled to the same benefit. It has also been contended by learned counsel for the petitioner, that the petitioner has played no role in the commission of crime, and that any part of the proceed of crime has never landed into the account of the

petitioner. As per learned counsel for the petitioner, the petitioner, who has clean antecedents has already suffered incarceration for a period of more than five months and 22 days, and that the investigation in this case is already complete and therefore, the petitioner is entitled to the benefit of bail.

7. The above-mentioned arguments have been controverted by the learned State counsel. It has been contended by learned State counsel that the instant case is a unique case of Cyber fraud, wherein the petitioner has taken advantage of the policy of the service provider, who sold the sim card to the petitioner which was earlier in use of son of the complainant. As per learned State counsel, since the above-mentioned mobile number was linked with the account of son of the complainant, all the OTPs and other details pertaining to his account reached to petitioner, who, by misusing the same, siphoned off a huge sum from the account of son of the complainant and parked the same in the account of different persons.

8. In view of above, it has been contended by learned State counsel that the role played by the petitioner is the central role, in the commission of crime, as without the formal consent and active participation of the petitioner the above-mentioned fraud could not have taken place.

9. The record has been perused carefully.

10. At the very outset, it is pertinent to mention here that in the present case the role attributed to the petitioner is not at par with the role attributed to co-accused 'Dilshad Khan', to whom the benefit of bail has already been accorded. As far as the petitioner is concerned, a perusal of the record shows that there is direct link between the commission of crime and

the petitioner, as the sim card, which was used for playing fraud, was issued in the name of petitioner and therefore, he is to be treated to be the user of the same. In view of the fact that in the instant case of Cyber fraud, in a very clever manner the money from the account of son of the complainant has been transferred to the accounts of different persons, and such withdrawal could not have taken place without the connivance and active participation of the petitioner, it is hereby held that the petitioner is the nucleus of crime in the present case. Since a prominent role has been attributed to the petitioner and the total custody period of the petitioner is, merely, five months & 22 days, which does not amount to prolonged incarceration, it is hereby held that the petitioner is not entitled to the benefit of bail and the present petition for bail deserves dismissal.

11. Taking into consideration the cumulative effect of all the above-mentioned factors, it is hereby observed that the present petition is devoid of merits and deserves dismissal. Hence, the present petition is hereby **dismissed**, accordingly.

12. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

May 13, 2026
"DK"

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