IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(209)

CRM-M-27180-2026 (O & M)
Date of decision: 27.05.2026

Vikas …... Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Munish Kamboj, Advocate,
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

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JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 (Section 438 Cr.P.C.) is for the grant of anticipatory bail to the petitioner in case FIR No.4 dated 17.02.2023 under Sections 419, 420 and 120-B IPC (Sections 319, 318, 61 BNS) registered at Police Station Cyber, Crime Kaithal, District Kaithal.

2. The present FIR came to be registered at the instance of Vikram Kumar and reads as under:-

"At this time, a complaint number 18927 receipt dated 07.11.2022 was received after Investigation through post at Police Station from Office of Superintendent of Police, Kaithal, the gist of which is as follows: To, SHO, Police Station Cyber Crime, Kaithal Subject: Regarding taking action on fraud of Rs. 96662.50 from ICICI Bank Credit Account No. 4035-6207-3132-9005. Sir, I request that I am Vikram, son of Rajkumar, resident of Siwan, Police Station Siwan,

District Kaithal and do manual labour work. I have got a credit account number 4035-6207-3132-9005 issued from ICICI Bank. In which my mobile number 9996562995 is registered. Which I use myself. On 05-11-2022, I received a call on my mobile from mobile number 7550889356 and the caller said that I have an insurance policy on ICICI Bank credit. From which Rs. 4500/- will be deducted every year. Would you like to keep it active or cancel it? I said that I want to cancel this policy, then the caller said that you should tell me the last 8 digits of your card, which I saw on my card and told the caller. Then an OTP came on my phone, which the caller fraudulently asked for my OTP and Rs. 96662.50 was deducted from my credit card account. In this way, the caller from mobile no. 7550889356, posing as an ICICI Bank credit card officer, on the pretext of removing the insurance policy on the credit, asked me for the last 8 digits of my credit card and the OTP received on my mobile and transferred Rs. 96662.50 from my ICICI Bank credit account no. 4035-6207-3132-9005 to some other account. Legal action should be taken against the caller on mobile no.7550889356 and my money should be returned. SD Vikram Kumar, Vikram son of Raj Kumar Siwan, Police Station Siwan, District Kaithal, Mobile no. 9996562995- On the complaint received, FIR no. 04 dated 17.02.2023 under sections 419,420 IPC, Cyber Crime Police Station Kaithal has been registered and the duplicate complaint has been sent to Misal Police and the original complaint has been sent to ASI for further action. took charge of the case. Other copies of the First Information Report will be sent to higher authorities by post.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has not been named in the FIR. Neither the mobile phone number nor the account in which the money was transferred belongs to the petitioner. Even as per the allegations, money was withdrawn from ATM machines by

co-accused/Kuldeep and Mukesh. The petitioner is not a beneficiary in any manner. He has been named as an accused only in the disclosure statement of co-accused/Mukesh. Some of the co-accused, namely, Kuldeep, Naresh and Rohit alongwith one Sunil have been granted regular bail. As the petitioner is ready and willing to join the investigation, he too is entitled to the concession as prayed for.

4. The learned counsel for the State, on the other hand, has filed a reply dated 20.05.2026 which is taken on record. While referring to the said reply, he contends that the petitioner is the main conspirator and operator of the entire Credit Card fraud racket. Vikas (petitioner) had established links with persons operating a fraudulent call centre at Delhi where unsuspecting victims were deceived into disclosing OTPs and other banking details resulting in fraudulent withdrawal and transfer of money from their credit cards and bank accounts. The petitioner arranged and controlled the operational framework of the racket. He procured and managed bank accounts, ATM cards and registered mobile numbers through the co-accused. The ATM cards and registered mobile numbers linked with the bank accounts are in possession of the petitioner. As the offence is *prima facie* established, recoveries of various articles are to be effected and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required. Therefore, he is not entitled to the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of ***'Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977',*** has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

> *"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*
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> *Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*
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> *We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside.* ***In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial***

> ***interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.***"

7. As per the investigation conducted so far, the petitioner is the main conspirator and operator of the entire Credit Card fraud. The arrested accused have disclosed in detail the manner in which the petitioner controlled the entire operation and delivered the defrauded money to the persons operating the call centre.

8. The relevant extract of the State reply dated 20.05.2026 filed by way of an affidavit of Gurwinder Singh, HPS, Deputy Superintendent of Police (AEC), Kaithal enumerating the role of the petitioner is reproduced as under:-

7. That role of petitioner in this present case is that he is alleged to be the main conspirator and operator of the entire Credit Card fraud racket. It is alleged that Vikas had established links with persons operating a fraudulent call centre in Delhi, where unsuspecting victims were deceived into disclosing OTPs and other banking details, resulting in fraudulent withdrawal and transfer of money from their credit cards and bank accounts. That Vikas arranged and controlled the operational framework of the racket. He allegedly procured and managed bank accounts, ATM cards, and registered mobile numbers through co-accused persons and other individuals. Co-accused Sunil arranged bank account kits and SIM cards through Naresh and Rohit and handed the same over to Vikas for use in the fraudulent transactions. Vikas allegedly retained possession and control of the ATM cards and registered mobile numbers linked with the accounts used in the commission of the offence. It is further alleged that Vikas had established an office at Anaj Mandi, Fatehabad, from where the activities of the alleged racket were coordinated. Co-accused Kuldeep and Mukesh allegedly used to stay there along with Sunil and Rajesh. Whenever fraudulent amounts were credited into the bank accounts, Vikas allegedly informed Kuldeep and Mukesh and handed over ATM cards to them for withdrawing the money from various ATM machines. After withdrawal, the cash was allegedly handed back to Vikas, who distributed commission/shares among the co-accused persons and retained the remaining amount. That Vikas personally coordinated with the Delhi-based call centre operators and used to deliver the defrauded money to them at different locations near Bahadurgarh and Delhi. It is also alleged that he maintained communication with the Delhi operators regarding the delivery of cash and managed the overall execution of the fraudulent activities. According to the co-accused, CCTV footage allegedly showed Kuldeep and Mukesh withdrawing the defrauded money using ATM cards supplied by Vikas. Petitioner Vikas is alleged to be the central figure who *managed the procurement of bank accounts, coordinated withdrawals of fraudulent amounts, distributed commissions, and acted as the link between the local co-accused persons and the Delhi-based call centre operators.*

8. That the petitioner is not first time offender as he is involved in other case FIR No. 64 DT 01.02.2023 u/s 406, 419, 420, 120-B IPC PS City Hansi.

9. That the recovery pending from petitioner Vikas primarily pertains to the ATM cards, bank account kits, registered mobile numbers/SIM cards, electronic devices, records relating to the fraudulent transactions, and the defrauded amount allegedly handled and managed by him. The co-accused persons have specifically disclosed that the ATM cards and registered mobile numbers linked with the bank accounts used in the commission of offence remained in possession and control of petitioner Vikas. It is also alleged that the withdrawn fraudulent amounts were handed over to him for further delivery to the Delhi-based call centre operators. Therefore, custodial interrogation of the petitioner is stated to be necessary for recovery of the aforesaid articles, tracing of the money trail, identification of other associates involved in the racket, and unearthing the larger conspiracy.

9. Keeping in view the specific role played by the petitioner, the need for recovery of the ATM cards and registered mobile numbers linked with the bank accounts used in the commission of the offence and as the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required, moreso, when the cyber crime stands *prima facie* established.

10. In view of the above, I find no merit in the present petition and the same stands dismissed.

11. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

12. The pending application(s), if any, shall stand disposed of accordingly.

May 27, 2026 **(JASJIT SINGH BEDI)**
sukhpreet **JUDGE**

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