

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:083920



103

CRM-M-30449-2026 (O&M)
Date of decision:26.05.2026

Vipin Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harshit Joon, Advocate for the petitioner.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner seeking benefit of anticipatory bail in case arising out of FIR No.174, dated 17.09.2024, registered under Sections 318(4) and 3(5) of the BNS and Sections 66C and 66D of the Information Technology Act, 2008, at Police Station Cyber South, Gurugram.

2. The aforementioned FIR was registered on the basis of a written complaint moved on behalf of the Zomato Limited, alleging that some unknown individuals had created and were operating fraudulent websites, email IDs and Instagram handles while impersonating the complainant company and using its registered trademark with intent to deceive the general public. It was alleged that those persons had been operating websites in the name of 'Zomato-liv.com' and other sites as while claiming to sell tickets of an event allegedly scheduled to take place at Jawahar Lal Nehru

Stadium, Delhi on 26.10.2024. It was also alleged that the operators of those websites had been misrepresenting others as representatives of the complainant company and being authorized by it to sell tickets. By doing so, they had induced the public persons to make payment through online mode on their websites to usurp that money whereas no such payment had been received by the complainant company. By alleging that financial harm to public and wrongful loss to the complainant company had been caused, prayer was made for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. It was revealed that the petitioner along with other co-accused was committing cyber fraud by cheating public persons through fake websites. One of such sites was found to have been created by the petitioner by using a phone number registered in his name. He was nominated as such. Apprehending his arrest, he filed an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 08.05.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of an alleged electronic linkage to a mobile which is further alleged to have been operated in his name. No specific role has been attributed to him. The case is based on documentary and electronic evidence that already stands collected by the Investigating Agency from the Google, GoDaddy, telecom service providers and other electronic intermediaries and as such, his custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be

allowed.

5. Notice of motion.

6. Ms. Ruchika Sabherwal, learned Senior DAG, Punjab has advance notice of the petition and is ready to argue the matter. It is argued by her that the allegations against the petitioner are quite serious in nature. The investigation conducted so far has revealed his active complicity in the crime by using his cell phone for the purpose of creating IDs on different platforms and misrepresenting general public to part with money by claiming that he along with co-accused was authorized representative of the complainant company. The allegations against the petitioner are serious in nature. There is no exceptional or sparing circumstance to extend benefit of bail to the petitioner. It is, therefore, stressed that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties.

8. The petitioner is alleged to have cheated the complainant company by creating forged IDs on different platforms. He is also alleged to have misrepresented the general public to part with money by claiming that he along with co-accused was authorized representative of the complainant company. In view of the allegations as levelled against the petitioner, prima facie his complicity in commission of subject offences stands established. For the purpose of conducting deeper probe and thorough investigation, his custodial interrogation is required. It is well settled proposition of law that powers for grant of anticipatory bail should be exercised in exceptional and extraordinary circumstances and not in routine manner. No such

circumstance, however, has been made out in this case. If the petitioner is given the shield of anticipatory bail that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Accordingly, finding no compelling ground to allow the petition, the same is dismissed.

9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

26.05.2026

harjeet

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