IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2026:PHHC:029425

108 **CRM-M-40454-2025 (O&M)**
Date of decision:24.02.2026

Shrikant Arvind Kulkarani & others ... Petitioners

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amandeep Chhabra, Advocate for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Rahul Gautam, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

CRM-2446-2026:

1. Prayer in this application is for placing on record copy of affidavit/compromise dated 23.12.2025 as Annexure P-3.

2. In view of the averments made in the application, the same is allowed subject to all just exceptions and the document annexed with the application is ordered to be taken on record as Annexure P-3.

Main case:

1. The instant petition has been filed by the petitioners seeking benefit of regular bail in case arising out of FIR No.23, dated 06.06.2025, registered under Sections 61(2), 318(4) and 319(2) of the BNS, at Police

Station Cyber Crime Police Station Patiala, District Patiala.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Manjit Singh, alleging that he along with his son Amaybir Singh was made a victim of cyber crime by being induced through social media account on whatsApp to invest his money and to gain handsome profits. He and his son had deposited an amount of Rs.88,00,051/- through different transactions that took place during the period from 05.05.2025 till 28.05.2025. Their money was transferred in different bank accounts and when he asked for return of the same, he was told to invest more money. Realizing that he had been cheated, complainant prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. During the course of investigation, it was revealed that the money was got transferred by the complainant in 11 different bank accounts provided by the fraudsters. The amount of Rs.30 lakhs was deposited in a particular bank account operative in the name of one S.S. Enterprises owned by Amita Ajay Kumar Mishra. The mobile number registered with the said bank account was found to be issued in the name of accused Ajay Kumar Mishra. It was also revealed that the said bank account was also used by him. He was nominated as an accused and was arrested on 19.06.2023. On interrogation, he disclosed that he had opened the abovesaid bank account in the name of his wife at the instance of the present petitioners and they had later sent him to Mumbai to meet two persons, namely, Rishi and Munna. He also disclosed that in connivance with them, the bank account was used for receiving money obtained through online frauds and he along with the

present petitioners used to receive hefty amounts from such transactions. On the basis of this disclosure, the present petitioners were nominated as additional accused. Investigation qua the petitioners stands concluded.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They were not named in the FIR. They had never met the complainant or his son at any point of time. There is no allegation that they had induced the victim in any manner whatsoever to invest money. No money has been transferred in their bank accounts. They are simply agents and they had arranged loan for Ajay Kumar Mishra about 05 months back prior to their arrest. Realizing that the petitioners have no hand in the crime, the complainant has entered into a compromise with them and has sworn affidavit Annexure P-3 in their favour. The case is based on documentary evidence. They are not the beneficiaries of any transaction. The ingredients for commission of subject offences are not at all attracted qua them. They have clean antecedents. They have permanent abodes and there are no chances of their absconding, if extended benefit of bail. It is, thus, stressed that they deserve to be extended benefit of bail.

4. Per contra, learned State counsel has vehemently argued that the allegations against the petitioners are serious in nature. They are part of a bigger conspiracy hatched with the co-accused to commit cyber frauds in pursuance of conspiracy so hatched. The complainant and his son were induced to part with a huge amount of money on the premise of investment of the same. The petitioners were actively involved in the commission of subject offences by providing bank accounts attached with mobile numbers of innocent people to fraudsters, who further used those bank accounts to

receive money by committing cyber crime. The petitioners have helped the other fraudsters in hiding their trail in lieu of receiving hefty commissions. The call detail records of the phones of the petitioners show that they were in active contact with the co-accused Ajay Kumar Mishra and during the period from 20.05.2025 to 22.05.2025, their phones were in the same locations at Mumbai showing their complicity in the crime. There are chances of their absconding or committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

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

6. The petitioners are alleged to have joined the cyber fraudsters, who induced the complainant and his son to part with huge amount of money, by arranging mule accounts, which could be used for the purpose of transfer of money received by way of fraud and further transfer of the same to other persons involved in the crime. The petitioners have claimed that the complainant has entered into a compromise with them and they placed on record certain affidavit shown to be sworn by the complainant Manjit Singh in favour of petitioner No.2, Kishor Gulabrao Desale. No relevance can be given to this affidavit at this stage. It is a matter of trial as to whether any such affidavit has been sworn by the complainant or is legally admissible. The petitioners are alleged to have aided the cyber fraudsters by getting bank accounts opened as mule accounts and for facilitating transfer of money received by the fraudulent transactions. They were implicated on the basis of disclosure statement of co-accused Ajay Kumar Mishra. No money is,

however, shown to be transferred in their bank accounts. The evidence collected against them is locations of their phones common with that of accused Ajay Kumar Mishra at Mumbai during the relevant time. It is a matter of evidence to be produced during trial as to whether the evidence so relied upon by the prosecution, is sufficient to prove their complicity in the commission of subject offence. The petitioners are in custody since 19.06.2025. The trial will obviously take considerable time to conclude. No fruitful purpose would be served by detaining the petitioner in custody anymore. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioners are ordered to be released on regular bail, subject to their furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned and on the following conditions:-

(i) The petitioner shall appear before trial Court on each and every date of hearing.

(ii) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(iii) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and appear once in every two months before the him and shall keep his mobile phone switched on all times.

(iv) The petitioner shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

8. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioners are found involved in any other subsequent case.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

24.02.2026

harjeet

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