# IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-M-44660-2025**
**Date of decision: 08.05.2026**

GURMEET SINGH ......Petitioner

VERSUS

STATE OF HARYAN AND ANOTHER .......Respondents

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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Present: - Mr. Dinesh Maurya, Advocate for the petitioner.

Ms. Chhavi Sharma, Asstt. A.G. Haryana.

Mr. Pradeep Panwar, Advocate for respondent No.2.

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**VINOD S. BHARDWAJ, J. (Oral)**

The instant petition has been filed under Section 483 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 528 of BNSS, 2023, for seeking cancellation of regular bail granted to respondent No.2 by Additional Sessions Judge, Karnal vide order dated 08.05.2025 in case bearing FIR No. 72 dated 25.09.2024, registered under Section(s) 61(2), 318(4), 319(2), 336(3), 337, 338, 339, 340 of BNS, 2023 at Police Station

Cyber Crime, District Karnal.

2. Learned counsel appearing on behalf of the petitioner submits that the present FIR was registered against respondent No.2-accused on allegations pertaining to his involvement in facilitating and operating bogus bank accounts used for commission of cyber fraud. It is contended that the prosecution case, as emerging from the investigation, is that respondent No.2 had provided fictitious and fraudulent bank accounts to one Amar, who was stated to be operating from Cambodia and was involved in organized cyber fraud activities.

3. He further contends that one of the bank accounts arranged and provided by respondent No.2 was opened through Rajesh Sharma by using a fictitious identity under the name "Aryan Kapoor", whereas another account was opened by one Daljit Ahuja under the fake identity "Rahul Kapoor". It is further alleged that both the said fictitious persons, namely Aryan Kapoor and Rahul Kapoor, were projected as proprietors/directors associated with a firm styled as "Rabih Insight Ventures Private Limited", on the basis whereof banking facilities were obtained and a bank account was operated with Kotak Mahindra Bank.

4. Learned counsel further submits that the investigation has revealed that the aforesaid accounts were thereafter utilized by the said Amar, operating from Cambodia, for routing and transacting amounts obtained through cyber fraud. It is specifically alleged that an amount of approximately Rs.21 lakhs was transacted through the said accounts in connection with cyber fraud activities perpetrated upon unsuspecting victims.

5. It is also submitted that respondent No.2-accused Pankaj Jothwal

acted as a conduit and facilitator in the entire fraudulent operation by arranging and supplying the aforesaid bogus accounts and enabling the movement and layering of funds derived from cyber crime. It is thus contended that respondent No.2 played an active and conscious role in facilitating the commission of the cyber fraud in the manner noticed above.

6. Learned counsel further submit that during the course of investigation, one Rahul Arora was apprehended on 28.01.2025 on allegations that he had facilitated preparation and procurement of fake Aadhaar Cards and other forged identity documents for opening of bogus bank accounts used in the cyber fraud operations. It is contended that upon interrogation of the said Rahul Arora and during the course of further investigation, the involvement of respondent No.2-accused surfaced, pursuant whereto he was joined in the investigation and subsequently arrested on 05.02.2025. It is further submitted that during investigation, a recovery amounting to Rs.17,200/- was effected, pursuant to the disclosure statement suffered by respondent No.2-accused, which amount was thereafter taken into police possession.

7. Learned counsel further contend that co-accused Rahul Arora was subsequently granted concession of regular bail by the competent Court vide order dated 11.03.2025. It is argued that thereafter, upon completion of investigation and presentation of the challan, respondent No.2 also approached the competent Court for seeking concession of regular bail. The said application was allowed vide order dated 22.07.2025, whereby respondent No.2-accused was granted regular bail during pendency of the trial.

8. Learned counsel appearing on behalf of the petitioner contends

that the impugned order dated 22.07.2025 granting concession of regular bail to respondent No.2-accused is liable to be set aside. It is argued that the Court failed to appreciate the seriousness, magnitude and organized nature of the offence committed with the help of respondent No.2, who played an active and conscious role in facilitating large-scale cyber fraud operations by arranging and providing bogus bank accounts and forged identity documents.

9. Learned counsel submits that the material collected during investigation prima facie discloses that respondent No.2 was not a peripheral or incidental participant but was an integral link in the larger cyber fraud syndicate, functioning as a conduit for routing and laundering amounts procured through fraudulent means. He submits that the role attributed to respondent No.2 demonstrates deliberate involvement in organized cyber crime affecting unsuspecting victims through misuse of forged banking credentials and fictitious identities.

10. It is further contended that as many as 66 complaints pertaining to cyber fraud surfaced against respondent No.2-accused, thereby reflecting the repetitive and habitual nature of the activities attributed to him. Learned counsel argues that despite the existence of numerous complaints indicative of wider criminal involvement, the prosecution, while opposing bail before the Court, had specifically referred only to registration of two additional FIRs against respondent No.2.

11. Learned counsel further submits that offences relating to cyber fraud and financial deception constitute serious economic offences having deep societal impact and such offences are required to be viewed with greater seriousness, particularly where organized methods involving forged

documents, fake identities and layered banking transactions are alleged. It is argued that the gravity of the allegations, the magnitude of the fraud and the potential impact upon public confidence in banking and financial systems were not adequately considered while extending the concession of bail.

12. It is additionally contended that there existed no substantial change in circumstances warranting grant of regular bail to respondent No.2 after rejection of his earlier bail application. Learned counsel submits that once the Court had earlier declined concession of bail upon consideration of the material available on record, the subsequent grant of bail, in the absence of any material change in factual or legal circumstances, reflects improper exercise of judicial discretion. It is thus contended that the impugned order suffers from non-application of mind to the seriousness of the allegations and the antecedents of respondent No.2 and consequently deserves to be set aside.

13. Learned counsel appearing on behalf of respondent No.2-accused, however, controverts the submissions advanced on behalf of the petitioner and contends that all the factors now sought to be pressed had already been considered by the Court while granting concession of regular bail to respondent No.2 vide the impugned order dated 22.07.2025.

14. It is submitted that insofar as the allegation regarding existence of 66 complaints pertaining to cyber fraud against respondent No.2 is concerned, the said aspect was specifically noticed and dealt with by the Court. Learned counsel points out that the Court had recorded in the impugned order itself that, in the reply submitted by the prosecution, reference had only been made to registration of two additional FIRs against respondent No.2-accused and not to any substantiated list of 66 criminal cases or complaints.

15. Learned counsel further submits that even with respect to the two FIRs referred to by the prosecution, respondent No.2 had already been granted concession of bail in FIR No.59 of 2024. It is additionally contended that in FIR No.81 of 2024, the parties had already entered into an amicable compromise, which fact had also been brought to the notice of the Court through the reply submitted on behalf of respondent No.2. He submits that in the absence of any supporting material, the bald assertion regarding "66 complaints" remains wholly unverified and uncorroborated and should not be permitted to prejudice the liberty of respondent No.2.

16. Learned counsel thus submits that the impugned order granting bail does not suffer from any perversity, illegality or non-application of mind warranting interference by this Court.

17. I have heard learned Counsel appearing on behalf of the parties and have gone through the documents appended alongwith the present petition.

18. Insofar as the issue relating to involvement of an accused in other criminal cases is concerned, the same undoubtedly constitutes a relevant circumstance for consideration by a Court while examining a prayer for grant of bail. Criminal antecedents, the nature of accusations and the possibility of recurrence of similar offences are all factors that may legitimately weigh with the Court at the stage of consideration of bail. However, once concession of bail has already been granted by a competent Court, the parameters governing cancellation thereof stand on a different footing and are stringent in nature, as consistently laid down by the Hon'ble Supreme Court in a catena of judgments.

19. It is a settled principle of law that cancellation of bail would not be ordered merely on the ground that another view was possible on the material available before the Court granting bail. Interference with an order granting bail is ordinarily justified only where it is demonstrated that the order has been obtained by concealment or suppression of material facts, by deliberate misrepresentation of the record, or where subsequent conduct of the accused reflects misuse or abuse of the concession so granted. Similarly, where the order granting bail is shown to be manifestly perverse, wholly arbitrary, passed in ignorance of material circumstances or so grossly illegal as to shock the conscience of the Court, interference may be warranted.

20. However, in absence of such exceptional circumstances, a superior Court would not ordinarily sit in appeal over an order granting bail merely because a different view on merits may also be possible. The distinction between rejection of bail and cancellation of bail must always be borne in mind. Once liberty has been granted by a judicial order, the same would not lightly be withdrawn unless compelling and supervening circumstances are brought on record.

21. This Court further notices that while granting concession of bail to respondent No.2-accused, the Court had specifically taken into consideration the fact that after rejection of the earlier bail application, the investigation in the present case had already been completed and the challan/charge-sheet had also been presented before the competent Court. It was additionally noticed that similarly situated co-accused persons had already been granted concession of bail and that the offences in question were triable by the Court of Magistrate.

22. Significantly, none of the essential factors justifying cancellation of bail have been satisfactorily demonstrated before this Court by the petitioner. There is no material on record to indicate that respondent No.2-accused concealed any relevant fact from the Court at the time of seeking bail or that the order granting bail was procured by fraud or misrepresentation. Similarly, no allegation has been substantiated to show that after grant of bail, respondent No.2 misused the concession, attempted to influence witnesses, tampered with evidence, absconded from proceedings or otherwise obstructed the administration of justice.

23. I am thus of the opinion that the impugned order granting bail does not suffer from any illegality, perversity, arbitrariness or material impropriety warranting interference in exercise of jurisdiction for cancellation of bail. The essential parameters governing cancellation of bail also do not appear to be satisfied in the facts and circumstances of the present case.

24. Consequently, finding no merit in the present petition, the same is hereby dismissed. The order dated 08.05.2025 granting concession of bail to respondent No.2-accused is accordingly affirmed.

**(VINOD S. BHARDWAJ)**
**JUDGE**

**MAY 08, 2026**
*Vishal Sharma*

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| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable | : | Yes/No |