



102

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.55561 of 2025

Date of Decision: 12.03.2026

Shailendra @ Shailendra Sanket

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Avdhesh Singh Kushwah, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. nikhil Chopra, Advocate and
Ms. Trishanjali Sharma, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.47, dated 25.08.2025, under Sections 318(4), 336(3), 338, 340, 61 of BNS, 2023, registered at Police Station Cyber Crime, Kaithal, District Kaithal.

2. Succinctly the facts of the case are that FIR in the present case was got registered on receipt of the complaint dated 01.08.2025 and 05.08.2025 from one Iqbal Singh. It was informed that the complainant was having the accounts in Axis Bank and PNB Bank. It was informed



that on 06.07.2025, the complainant saw an advertisement on facebook with regard to stock market. The complainant clicked on the website named Axis Direct and the same was opened, in which he shared all the details like Pan Card, Aadhaar Card, Mobile number, etc. and then, his account/wallet was opened. It was alleged that on 15.07.2025, when the complainant tried to open the app, the same did not open. The complainant received the voice message on his whatsapp, in which he was informed that their trading company got 8% profit and if he wants to invest money in trading, then they would inform the procedure to him and sent screen shots of all the procedure. On the same day, i.e. on 15.07.2025, the complainant transferred an amount of Rs.102 from his Axis Bank to their disclosed bank account and the same reflects in his wallet. Thereafter, he again transferred an amount of Rs.49,905/- in their account. It was alleged that the complainant invested money in stock market and such transfers also reflects in his wallet and they also send fake certificates of SEBI. Then, in total the complainant transferred an amount of Rs.60,50,000/- in different bank accounts by showing fake certificates by SEBI. However, later on the complainant found that he was cheated. On the basis of the complaint, the FIR was registered. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Kaithal praying for the grant of anticipatory bail. However, after hearing



both the sides and finding no merit in the same, the learned Additional Sessions Judge, Kaithal declined the bail application filed by the petitioner vide order dated 20.09.2025. Hence, being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner is named in the FIR nor there is any evidence regarding his complicity in the alleged offence. He has submitted that the petitioner is the victim of such fraud in which an amount of Rs.8,50,000/- was credited, whereas an amount of Rs.9,00,045/- was debited and thus, the petitioner suffered loss of Rs.50,045/-. He has submitted that no recovery has been effected from the petitioner. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has thus submitted that keeping in view the facts and circumstances of the case, the petitioner deserves to be granted anticipatory bail.

4. Learned counsel for the State, however, has opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner has been prima facie established during the investigation conducted so far. He has submitted that during the investigation conducted so far, it has been found that out of the aforesaid amount of Rs.60,50,000/-, the amount of Rs.8,50,000/- was transferred in the bank account of the petitioner and thus, the petitioner has a direct



connection with the transactions in question in the offence committed. He has submitted that the alleged plea made by the petitioner that he is a victim and his bank account was misused by some other persons, is not tenable as there is nothing on the record to prove the same. He has further submitted that from the period, i.e. 21.07.2025 to 25.07.2025, there was a transaction of Rs.1.72 Crores in the account, which belongs to the petitioner. He has submitted that the bank account of the petitioner was actively involved in the transaction chain forming part of the fraudulent scheme. He has submitted that the investigation is still going on and the transfers are yet to be verified by collecting bank records. He has further submitted that the petitioner did not lodge any complaint regarding misuse of his account at the time of these transactions, however, he has submitted a belated and afterthought complaint only after the dismissal of his anticipatory bail application, which evidently shows a deliberate attempt to create a false defence. He has submitted that no case for the grant of anticipatory bail to the petitioner is made out and thus, the present petition deserves to be dismissed.

5. Learned counsel appearing on behalf of the complainant has also opposed the submissions made by learned counsel for the petitioner. He has submitted that the complainant was cheated for an amount of Rs.60,50,000/- by the petitioner. He has submitted that the petitioner has a direct connection with the transactions and the bank account of the petitioner is indulged in the online fraud. He has submitted that no case



for the grant of anticipatory bail to the petitioner is made out and thus, the present petition deserves to be dismissed.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. It has been transpired that complicity of the petitioner has been *prima facie* established. The petitioner is found to be the master mind of the whole offence. Out of the aforesaid amount of Rs.60,50,000/-, an amount of Rs.8,50,000/- was transferred in the bank account of the petitioner and thus, the petitioner has a direct connection with the transactions in question in the offence committed. As contended before this Court by learned counsel for the State, between the period, i.e. 21.07.2025 to 25.07.2025, there was a transaction of Rs.1.72 Crores in the account, which belongs to the petitioner. Investigation in this case is still going on. Needless to say that such like offences, i.e. cyber crimes are on rise.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*



2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
- (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order*



would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."



10. The Hon'ble Supreme Court in *State Vs. Anil Sharma*, (1997) 7SCC 187, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.*”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the case is under investigation and the complicity of the petitioner has been prima facie found. Needless to say, in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.03.2026		(RAJESH BHARDWAJ)
<i>rittu</i>		JUDGE
	Whether speaking/reasoned :	Yes/No
	Whether reportable :	Yes/No