



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

CRM-M-58351-2025

Date of decision : 19.03.2026

Abhishek Kumar Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. L.S. Sekhon, Advocate and
Ms. Sweedel Goyal, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.21 dated 01.08.2024, under Sections 318, 319, 61 of the BNS, 2023 and Sections 66-C, 66-D of the Information Technology Act, 2000, registered at Police Station Punjab State Cyber Crime, District SAS Nagar (Mohali).

2. Succinctly facts of the case are that the FIR has been lodged on the statement of Harish Gupta. It was alleged that on 31.07.2024, he was in GST Office, Ludhiana for meeting with officers and in his absence one of his employee, namely, Seema who works as an Accountant in his company, received a Whatsapp message from Whatsapp account number/phone number carrying his display photograph asking her to transfer Rs.49,60,401/- in the bank account of Babu Sheikh having Indusind Bank Account No.157022401654. Seema believed that the aforementioned messages was being sent by the complainant and hence, she transferred a sum of Rs.49,60,401/- from complainant's company account in State Bank of India to IndusInd Bank account number, due to



aforementioned fraudulent transaction, complainant suffered a huge financial loss of Rs.49,60,401/-. Request was made to take legal action against the accused. On the registration of the FIR, investigation commenced. The petitioner was arrested on 02.08.2024. He approached the Court of learned Additional Sessions Judge, SAS Nagar, praying for grant of bail, however, after hearing counsel for the parties and finding no merits, the same was declined vide order dated 08.10.2024. Aggrieved by the same, petitioner earlier approached this Court twice by way of filing CRM-M-53170-2024 and CRM-M-35286-2025, however, the same were dismissed vide orders dated 29.10.2024 and 14.07.2025, respectively. Hence, the petitioner is before this Court by way of filing the present third petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner is named in the FIR nor there is any role attributed to him, however, during investigation, he has been implicated on the allegations that out of total defrauded amount of Rs.49,60,401/-, transaction of Rs.2,50,000/- was made in the account which belong to the petitioner. He has submitted that the petitioner has no knowledge about the amount which was allegedly transferred in his account. He has further submitted that the investigating agencies have not carried out the investigation in a free and fair manner and there is no investigation regarding the transaction of the whole defrauded amount of Rs.49,60,401/-. To buttress his arguments, learned counsel has submitted that the petitioner is behind the bars from last more than 1½ years and he has no criminal antecedents. He has submitted that in the overall facts and



circumstances of the case, the petitioner deserves to be granted the concession of regular bail.

4. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that out of total defrauded amount of Rs.49,60,401/-, Rs.2,50,000/- is attributable to the petitioner as the same was received in the account which belong to the petitioner. He has contended that after withdrawing the amount which was transferred in various accounts, this amount was handed over to one OP Berry and others, however, they are not the accused in the present FIRs as there are only 03 accused. On instructions, he has submitted that out of 23 prosecution witnesses, 07 witnesses have been examined so far and the petitioner has no criminal antecedents.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the allegations against the petitioner are regarding the transaction of Rs.2,50,000/- in his account. As contended by learned State counsel, complainant was duped for an amount of Rs.49,60,401/- which was further transferred in various accounts and after withdrawing those amount, the same was handed over to one OP Berry. However, on asking of the Court, the Court has been apprised that OP Berry is not even accused in the present case. As submitted, out of 23 prosecution witnesses, 07 witnesses have already been examined and petitioner has no criminal antecedents.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the cases will take sufficiently long time. However, keeping in view the overall facts and

circumstances of the present case, this Court is of the opinion that learned Senior counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

7. If the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in the present case.

19.03.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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