IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

232 CRM-M-59549-2025

Lokesh Kumar

....Petitioner

V/s

State of Haryana

....Respondent

Date of decision: 15.01.2026

Date of Uploading : 15.01.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Sonal Singh Godara, Advocate for the petitioner.
(Through Video Conference)

Mr. Gurmeet Singh, AAG Haryana.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita seeking grant of regular bail to the petitioner in case bearing FIR No.339 of 2023 dated 27.12.2023, registered for the offences punishable under Sections 409, 420 & 120-B of IPC at Police Station Udyog Vihar, Gurugram.

2. The gravamen of the FIR in question is that the complainant One97 Communications Limited, parent company of Paytm, suffered a wrongful loss of approximately ₹8.06 crores due to large-scale fraudulent and unauthorised refunds processed through its internal systems. These refunds were allegedly carried out by employees/agents of Radical Minds Technologies Private Limited (RMTPL) in connivance with other accused persons and beneficiaries. It has been further alleged that the accused persons misused their authorised access to the Seller Panel of the

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complainant company and dishonestly processed partial and full refunds against various transaction IDs, thereby diverting funds to accounts of known and unknown beneficiaries. During the course of investigation, it was revealed that an amount of ₹8,69,667/- was credited into the bank account of Lokesh Kumar (petitioner herein), which formed part of the proceeds of crime. Based on these set of allegations, the instant FIR was registered and investigation ensued. The petitioner, along with other co-accused, was arrested on 28.04.2025. After completion of investigation, the final report/challan has been presented before the competent Court.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and has no direct role in the alleged offence. Learned counsel has further iterated that the petitioner is neither an employee nor an agent of Radical Minds Technologies Private Ltd and has no access to the internal system or Seller Panel of the complainant company. According to learned counsel, the petitioner never processed any refund transaction and had no knowledge of the alleged fraudulent activities. Learned counsel has further submitted that the petitioner is himself a victim of cheating as his bank account was misused by the main accused, who has taken access to his account details without his knowledge or consent. Learned counsel has further submitted that mere receipt of an amount in the bank account of the petitioner without any supporting material showing his conscious involvement is insufficient to attract criminal liability at this stage. Learned counsel has further submitted that the investigation has been completed, the challan has already been presented before the competent Court of jurisdiction and no further

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recovery is to be effected from the petitioner. Furthermore, the entire evidence in the present case is documentary in nature and is already in custody of the investigating agency, therefore, no useful purpose would be served for continued incarceration of the petitioner. On the strength of aforesaid submission, the grant of petition in hand is entreated for.

4. *Per contra,* learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature. Learned State counsel has referred to reply/status report dated 15.11.2025 by way of affidavit of Vishal, HPS, Assistant Commissioner of Police, EOW-I and II, Gurugram, relevant whereof reads as under:

> *"11. That the role of the petitioner Lokesh Kumar in the present case is that he had conspired with the other accused and in pursuance of the said conspiracy, the petitioner had obtained undue benefit by fraudulently refunding around Rs. 8,69,667/- from One 97 Communication Pvt Ltd. company in his Paytm account number 91- 7042708504. The petitioner had also obtained money in the account of his father namely Ranbir. Furthermore, the petitioner used to run a CSC centre and various persons visited him and he used to make credit cards payments etc. of the said persons. Accused Chailesh had come in contact of the petitioner due to the said CSC Centre. The petitioner, in connivance with accused Anurag, also made transactions in the bank accounts of other accused persons. He sent the transaction IDs to accused Anurag. The petitioner got transferred Rs. 78 Lakhs in the account of accused Chailesh, Rs. 19 Lakhs in the account of one Talim. The said persons had kept their 10% commission and handed over the remaining money to the petitioner. The petitioner kept 10% in his commission and gave the remaining money to accused Anurag. This modus-operandi was followed by the petitioner Lokesh and co-accused Anurag for transferring the amounts in the accounts of the other beneficiaries."*

Furthermore, learned State counsel has raised submission in tandem with the aforesaid reply and has iterated that the petitioner was the

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direct beneficiary of the fraudulent transactions. Furthermore, the receipt of a substantial amount in the bank account of the petitioner clearly establishes his involvement at this stage. Learned State counsel has submitted that there is reasonable apprehension that in case he is enlarged on bail, at this stage, the petitioner may tamper with the evidence and influence the material witnesses who are yet to depose before the Court below. In view of the nature of the allegations, the gravity of the offence and the stage of trial learned State counsel prays for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court

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titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490,*** relevant whereof reads as under:

> *14. It is well settled that the matters to be considered in an application for bail are (i)whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused;(vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see* ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280*** *and* ***Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179****). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in* ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528*** *:"The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*
>
> *a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
>
> *b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
>
> *c. Prima facie satisfaction of the* ***court*** *in support of the charge. (see* ***Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 andPuran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338."***

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This Court also in specific terms held that :

> *"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."*

*In **Panchanan Mishra v. Digambar Mishra, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143,** this Court observed :*

> *"The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation."*

7. Indubitably, the allegations in the present case disclose a well-planned and organized financial fraud involving misuse of digital infrastructure and internal systems of a reputed fintech company. Such offences not only cause financial loss to a private entity but also undermine public confidence in digital payment systems and electronic financial transactions. The role attributed to the petitioner cannot be brushed aside lightly at this stage. The investigation has specifically revealed that a substantial amount forming part of the proceeds of crime was credited into

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the bank account of the petitioner. Whether the petitioner was an active conspirator is a matter of trial, however, at this stage, the existence of such incriminating material cannot be ignored. The contention of the petitioner that he is merely an account provider and not the main accused does not, by itself, entitle him to bail particularly when the offence alleged is one of criminal conspiracy.

8. It is well settled that economic offences involving large-scale financial fraud require a strict approach while considering bail. The seriousness of the allegations, the quantum of money involved and the *prima facie* material on record indicate the involvement of the petitioner at this stage. The allegations leveled against the petitioner are grave and specific which clearly indicate his active participation in the commission of the crime. In the considered opinion of this Court the very magnitude and seriousness of the crime, disentitle the petitioner to the discretionary relief of bail. Furthermore, at this stage, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience. Granting bail in such cases would not only undermine the gravity of the offence but may also embolden the accused. Further, there exists a strong likelihood that if enlarged on bail the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses particularly when material witness(s) are yet to be examined. The mere fact that the investigation has been completed and challan has been

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filed cannot, in itself, constitute a ground for bail in cases of such grave and heinous character.

9. Considering the overall circumstances, the nature and seriousness of the accusations, the evidence on record, and the possibility of tampering with prosecution witnesses, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail.

10. In view of the prevenient ratiocination, it is ordained thus:

(i) The present petition is devoid of merits and is hereby dismissed.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

January 15, 2026
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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