2026:PHHC:065124

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(107) **CRM-M-67082-2025 (O&M)**
Date of decision : 28.04.2026

JOGA RAM **... Petitioner**

Versus

STATE OF HARYANA **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.P.S. Ghuman, Advocate for the petitioner

Ms. Himani Arora, DAG, Haryana

Er. Vikram Singh, Advocate for the complainant with
Dr. Anita (complainant in person)

****

MANISHA BATRA, J. (ORAL)

1. The instant one is the second petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for grant of regular bail in case arising out of FIR No.38 dated 31.01.2025 registered under Sections 318(4), 319, 308(2), 336(3), 338, 340, 61(2) and 241 of Bharatiya Nyaya Sanhita, 2023 (for short "BNS") at Police Station Cyber Crime West, District Gurugram. His first petition was dismissed as withdrawn vide order dated 09.07.2025.

2. The aforementioned FIR was registered on the basis of complaint lodged by complainant Dr. Anita, a retired Principal alleging that on the evening of 03.01.2025, she had received a call on her cell phone. The caller told her that several complaints were registered against her for violation of illegal advertisements and sending harassing messages and an FIR was registered

AMIT SHARMA
2026.04.29 14:22
I attest to the accuracy and
integrity of this order/judgment.

against her. She was also informed that three cell phone numbers, which she was using, would be blocked within short time. She also started receiving video calls from different numbers on her whatsApp and the callers told her that a bank account had been opened by her in favour of a person, who was accused of money laundering and committing frauds and she would be sent to jail for 14 years. She was forbidden from disclosing these facts to her family members under the threat that they would also be put to jail and their bank accounts would be frozen and that they would be mentally and physically tortured. She was forced to transfer a total amount of Rs.3,03,00,000/- from her bank accounts to different bank accounts, the numbers of which were disclosed by the callers. She was kept under digital arrest till the transfer of the above said amount of money and was not even made to leave her room. She was made scared of her life. Last video call was made to her on 31.01.2025, whereby threats were again extended to her.

3. As per the further allegations, during the course of investigation it came forth that an amount of Rs.58 lakhs from the bank account of the complainant was transferred in an account No.10205733033 in the first layer which was operative in the name of firm M/s. Shri Ram Stainless under the partnership of Tarun Kumar and Kamla (wife of the present petitioner). Accused Tarun Kumar was arrested on 18.03.2025. On interrogation, he suffered disclosure statement to the effect that out of greed to earn more money as well as on asking of the petitioner, he alongwith the petitioner had provided the bank details of the account of the company/firm in which he himself and

AMIT SHARMA
2026.04.29 14:22
I attest to the accuracy and
integrity of this order/judgment.

Kamla wife of the petitioner were partners/shareholders. He alongwith the petitioner had allowed use of their bank accounts and had even gone to Nepal to take commission money for the transactions which had taken place through the bank account of his firm. He also disclosed that some persons hailing from China as well as Nepal had met them who had disclosed that they were involved in business of cyber crime in India and need several bank accounts for that purpose. He also disclosed that the petitioner and he himself had received amount of commission. The petitioner was nominated as an accused and he was arrested on 18.03.2025. He too suffered disclosure statement admitting his involvement in the crime. Investigation qua him now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. He is in custody since long. He is not beneficiary of any transaction. He had nothing to do with the concerned bank account which was in the name of co-accused Tarun Kumar and his wife Kamla. Kamla has been found to be innocent. The subject offences are triable by Magistrate. No useful purpose would be served by detaining him in custody anymore. The trial will take considerable time to conclude as none out of 49 prosecution witnesses has been examined so far. His previous petition had been dismissed as withdrawn on 09.07.2025 and a period of more than 09 months has expired thereafter. Each day spent by him in custody has furnished him a ground afresh to seek concession of bail. It is, thus argued that the petition deserves to be allowed.

AMIT SHARMA
2026.04.29 14:22
I attest to the accuracy and
integrity of this order/judgment.

5. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature. In fact, it was he who was running the firm M/s. Shri Ram Stainless and his mobile phones were registered in the bank account of that firm. Even his wife Kamla posted in Cyber Crime West, Gurugram had recorded her statement that though she was a partner in the firm M/s. Shri Ram Stainless but in fact the entire business of the same was looked after by her husband and her brother Tarun Kumar and the bank account in question was also operated by them. An amount of Rs.58 lakhs was deposited in the bank account of the petitioner which was subsequently withdrawn and transferred to other accounts which shows his active complicity in the crime. His antecedents are not clean as he is involved in one more case registered at Police Station Purba Medinipur, West Bengal. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. The petitioner along with the co-accused is alleged to have hatched a conspiracy to commit online fraud/cheating by inducing public persons to part with huge amount of money and in pursuance thereof, co-accused by extending threats to the complainant had caused wrongful loss to the tune of Rs.3,03,00,000/- to her by making her transfer this much amount in different bank accounts. The allegations reveal active and prima facie participation of the petitioner in the crime. He was nominated during investigation on the basis of disclosure statement of co-accused Tarun Kumar. He is also alleged to have

AMIT SHARMA
2026.04.29 14:22
I attest to the accuracy and
integrity of this order/judgment.

actively participated in the crime by getting the bank account operative in the name of M/s. Shri Ram Stainless used for the purpose of transfer of an amount of Rs.58 lakhs, transferred from the bank account of the complainant and getting the same transferred further and also allegedly receiving commission as well as part of proceeds of the fraudulent transactions. The first petition filed by the petitioner was dismissed as withdrawn on 09.07.2025. There has been no substantial or drastic change in circumstances from the dismissal of his previous petition. The allegations against the petitioner clearly indicate his involvement in the operational layer of a well-organized cyber fraud, wherein a retired female was duped of a substantial amount by keeping her under digital arrest. The magnitude of the amount involved, the organized manner in which the offence was allegedly committed and the petitioner's alleged role in facilitating withdrawal of fraudulently obtained money prima facie reflect the seriousness of the allegations levelled against him. Such like cases are on rise and everyday one hears about innocent public persons being duped of their hard earned money. The apprehension raised by the respondent that he may commit similar offences or abscond cannot be stated to be unfounded at this stage. Keeping in view the nature of the allegations as levelled against the petitioner, quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the opinion that the petitioner does not deserve to be released on bail. Accordingly, the petition is dismissed.

AMIT SHARMA
2026.04.29 14:22
I attest to the accuracy and
integrity of this order/judgment.

2026:PHHC:065124

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(MANISHA BATRA)
JUDGE

28.04.2026 **Whether speaking/reasoned:- Yes/No**
Amit Sharma **Whether reportable:- Yes/No**

AMIT SHARMA
2026.04.29 14:22
I attest to the accuracy and
integrity of this order/judgment.