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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-70426-2025 (O&amp;M)

Date of Decision:17.03.2026

Arsh Khan

....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present: Mr. Sanjiv Kumar Yadav, Advocate, for the petitioner.  
Mr. B. S. Saroha, DAG Haryana  
Mr. Vikram Singh, Advocate, for the complainant.

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**AMAN CHAUDHARY, J. (Oral)**

1. The present petition has been filed under Section 482 of the BNSS, 2023 for grant of concession of anticipatory bail to the petitioner in in FIR No.151 dated 10.11.2024 under Sections 420 of IPC (Section 120-B IPC added later on) registered at Police Station Cyber Crime, Ballabgarh, District Faridabad.

2. On 26.02.2026, this Court had passed the following order:-

“For the commission of offence punishable under Sections 420 of Indian Penal Code [Section 120-B added later on], hereinafter being referred to as ‘IPC’ only, the FIR No.151 dated 10.11.2024, has been lodged in Police Station Cyber Crime, Ballabgarh, District Faridabad. In the above mentioned case, the petitioner is apprehending arrest, and therefore, for the benefit of anticipatory bail he has approached this Court, by virtue of present petition under Section 482 of ‘Bharatiya Nagrik Surakhsa Sanhita 2023’, hereinafter being referred to as ‘BNSS’ only.



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2. In nut-shell the facts emerging from record are that the FIR of this case came into being at the instance of 'Jitender Gupta', hereinafter being referred to as "complainant" only. It was stated by the above named complainant that he has moved a complaint before the police on 30.04.2024. According to complainant he had received a telephonic call regarding approval of his Bajaj DBS Card, and the caller who was a lady, told the complainant that he would receive a message, and that upon receipt of above mentioned message some documents were required to be sent to the said number. As per complainant on the receipt of message he sent his Aadhar Card on the above mentioned number, and thereafter, he received a call that his card has been approved.

3. The complainant has further stated that thereafter, he received a link for filling-up of necessary details of his IDFC card, and thereafter, he received a call from HDFC Bank for approval of deduction of Rs.81,359/- which he did not confirm. As per complainant, the Customer Care Centre told the petitioner that the above mentioned amount has already been deducted and he was advised to call 1930. According to complainant thereafter further transactions from IDFC card and Indusland Card were made whereby a total amount of Rs.3,14,000/- was deducted. It is the claim of the petitioner that although a sum of Rs.81,160/- was returned/credited to his account but he has been subjected to cheating for a sum of Rs.2,32,641/-.

4. It is the case of the prosecution that in view of above mentioned complaint formal FIR of this case was lodged and the investigation taken up. As per prosecution the course of investigation it was found that the money siphoned off from the account of complainant had landed into the account of one



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‘Gopal’ and mobile No.8800506258 was connected with the above mentioned account. According to prosecution the above mentioned SIM was issued in the name of ‘Manisha Devi’ whereas the account was in the name of ‘Gopal’. It is the case of the prosecution that during the course of investigation when inquiries were made from ‘Manisha Devi’, she told that the above mentioned SIM was being used by her brother ‘Yash’, who has already been arrested in this case. According to prosecution when ‘Yash’ was interrogated he suffered a disclosure statement and revealed that for a sum of Rs.2000/- he had given the above mention SIM to the petitioner & co-accused ‘Himanshu’ and that they had connected the above mentioned SIM with the account of ‘Gopal’.

5. Heard.

6. The record has been perused carefully.

7. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that except the disclosure statement of co-accused there is nothing on record to establish link between the commission of crime and the petitioner;
- iii) that neither the SIM Card is in the name of petitioner nor the account number, and thus, apparently, at this stage, there is no nexus between the commission of crime and the petitioner;
- iv) that the recovery of amount can be facilitated by issuing a direction to the petitioner to join investigation of this case;



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- v) that the investigation and trial of the case are not likely to be concluded in near future;
- vi) that custodial interrogation of the petitioner is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence or influence the prosecution witnesses; and
- viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

8. Taking into consideration the cumulative effect of all the above mentioned factors, it is hereby held that the petitioner is entitled for interim anticipatory bail.

9. Thus, it is hereby ordered that till next date, in the event of arrest the petitioner shall be released on interim anticipatory bail on furnishing bonds to the satisfaction of arresting officer. The petitioner shall join the investigation as and when called by the Investigating Officer. He shall also abide by the conditions as specified under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. List on 17.03.2026, for awaiting report.

11. To be shown in the urgent list.”

3. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has joined investigation. He further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.



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4. Learned State counsel, on instructions, submits that the petitioner has joined the investigation. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

5. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 26.02.2026 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C. (now 482(2) of BNSS, 2023)

6. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)  
JUDGE

March 17, 2026  
dinesh

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|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |