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

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Date of decision: 03.07.2025

Suhail

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Thind, Advocate for the petitioner.

Mr. Gurmeet Singh, AAGG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.19 dated 16.09.2024, registered for the offences punishable under Sections 318(4) of BNS, at Police Station Cyber Police Station, Narnaul.

2. The gravamen of the FIR in question reflects that the complainant namely Udai Singh, son of Shri Tulsi Ram and resident of Plot No. 477, HUDA, Sector-1, Narnaul, filed a written complaint concerning fraudulent withdrawals from his joint account (No.0360009900000377) maintained with his wife, Smt. Sumitra Yadav, at Punjab National Bank, Branch New Mandi, Narnaul. He alleged that on 31.08.2024, the complainant received calls from two mobile numbers i.e. 9306038251 at 12:58 PM and 9782238028 at 3:09 PM purportedly from a bank official, requesting payment of loan interest. The complainant informed the caller that he had already made advance payments toward the loan and as such no

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interest was due. The caller thereafter alleged that the amount had already been withdrawn from the loan account and, thus, prompting the complainant to visit the branch. Upon examination of the account statement at the bank, the complainant discovered unauthorized debit transactions amounting to ₹25,00,000. It has been further alleged by the complainant that specifically, three transactions of ₹5,00,000 each (two via RTGS and one via IMPS) were recorded on 09.08.2024, and two additional transactions of ₹5,00,000 each (one via RTGS and one via IMPS) were recorded on 10.08.2024. These withdrawals were carried out without his knowledge or consent. The complainant further stated that he does not use internet banking for this account and suspects that the amount was fraudulently withdrawn by unidentified individuals. Accordingly, a formal complaint was lodged with the Branch Manager of Punjab National Bank, Narnaul, and an online complaint (No. 21309240036593 dated 03.09.2024) was also filed through the Cyber Crime portal. On these set of allegations, instant FIR under Sections 318(4) of the BNS, 2023 was registered and investigation ensued.

3. Learned counsel for the petitioner iterated that the alleged fraudulent transactions took place on or before 31.08.2024, whereas the complainant lodged the complaint on the Cyber Portal only on 03.09.2024 and no plausible explanation has been provided for this delay, which casts doubt on the veracity of the complaint. Learned counsel asserts that the instant FIR has been registered against unknown persons and the petitioner has not been named as an accused in the FIR and hence there is not direct allegations made against him. Learned counsel has further iterated that the petitioner has been suffering from neurological and psychiatric disorders

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since the year 2017 and is currently under medical treatment, copy whereof has been annexed as Annexure P-2 with the instant petition. According to learned counsel, owing to mental health condition of the petitioner, he has been unable to manage or open a bank account independently. A close relative, who is a co-accused in this case, exploited the vulnerability of the petitioner by opening a bank account in his name and registering his own mobile number for operating the same. It is further submitted by the learned counsel that the petitioner has no knowledge about the alleged credit of funds in his account which is being solely operated by the co-accused, who maintained possession of the cheque book, passbook, ATM card and also had access to internet banking. Therefore, it is highly improbable to link the petitioner to the alleged offence. Learned counsel asserts that the petitioner is an innocent individual who has been wrongfully accused of an offence he never committed. Moreover, the present FIR is not legally maintainable against the petitioner as there is no allegation of embezzlement or misappropriation directly attributable to him. Learned counsel asserts that no specific role has been attributed to the petitioner in the FIR. There is nothing to be recovered from the petitioner and hence his custodial interrogation is neither necessary nor justified. Furthermore the petitioner is merely 22 years old and incarceration at this young age, particularly under the present circumstances, would cause irreversible damage to his career and future prospects. It is next submitted by the learned counsel that the petitioner is ready and willing to join the investigation and undertakes to fully cooperate with the Investigating Agency. On the basis of the



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aforementioned submissions, the grant of the instant petition is entreated for and the petitioner be granted the concession of the anticipatory bail.

4. Conversely, learned State counsel *has* opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. He submits that a substantial portion of the misappropriated amount, specifically a sum of ₹10,00,000/- has been traced to Union Bank Account No. 207722010001791, which stands in the name of the applicant-accused. He has further contended that in light of these incriminating financial trails and the seriousness of the allegations, the custodial interrogation of the petitioner is imperative for a fair and thorough investigation. According to him, the custodial interrogation is essential to unravel the broader conspiracy, identify the co-conspirators, and recover the defrauded amount. He has further emphasized that the complexity of the cyber financial fraud involved, asserting that releasing the petitioner on bail at this crucial stage may hamper the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* was lodged on the basis of a complaint filed by the complainant namely Udai Singh with regard to cyber financial fraud. *Prima facie*, it emerges from the record that the petitioner, in connivance with co-accused, is alleged

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to have been involved in the commission of cyber financial fraud against the complainant. As per the stand of the State, the petitioner appears to have facilitated the fraudulent activity by permitting the use of his bank account. Furthermore, during the course of investigation, a sum of ₹10,00,000/- was transferred into Union Bank Account No.207722010001791, which is registered in the name of the petitioner-accused. This fact, coupled with other circumstances detailed in the investigation, points towards the active complicity of the petitioner in the alleged offence. The police have further asserted that the custodial interrogation of the petitioner is indispensable for the purpose of effectively unravelling the modus operandi of the accused persons, identifying the broader nexus involved in the fraud, and recovering the siphoned amount. The nature and gravity of the offence, involving organized cybercrime and financial deceit, necessitate a thorough investigation, which, at this stage, cannot be conducted without the petitioner being in custody. Moreover, even considering the medical grounds raised by the petitioner, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a serious economic offence.

7. It is befitting to mention here that while adjudicating the bail pleas, particularly in cases concerning cybercrimes and online fraud, necessitates a meticulous evaluation of several pivotal factors. Paramount among these is the inherent gravity and seriousness of the offense, coupled with its potential societal ramifications. The proliferation of online frauds and cybercrimes poses a significant threat, as it systematically erodes public confidence in digital financial transaction platforms. Such erosion runs



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counter to the aspirations of an advanced and digitally empowered "Digital Bharat" and thus warrants a heightened degree of judicial circumspection. These offenses are characterized by their capacity to aggrieve a multitude of victims simultaneously, often with a single act of commission. The deleterious consequences of cybercrimes transcend individual boundaries, imperiling numerous unsuspecting citizens. The gravity of such transgressions cannot, therefore, be understated. They not only jeopardize the financial security and trust reposed by individuals in financial payment gateways and platforms but also inherently expose the broader populace to analogous threats. Indeed, cybercrime in our nation operates akin to a silent virus — insidious, disruptive, and exacting a toll on society that extends far beyond mere pecuniary loss, encompassing the bedrock of trust, security, and national progress. Given the inherent nature and profound gravity of such offenses, and their wide-ranging cascading effects on both society and financial institutions, this Court finds itself disinclined to grant the relief of anticipatory bail as prayed for. To do otherwise would be to turn a *Nelson's eye* to the profound and far-reaching detrimental impact of these digital depredations. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

8. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual

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matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 03, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No