

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28247-2025
Reserved on: 17.07.2025
Pronounced on: 31.07.2025

Deepak Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Prashant Singh Chauhan, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
13	15.01.2025	Cyber Crime, Rewari, District Rewari	318(4) of BNS (Section 61(2) of BNS added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. As per paragraph 21 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“To, S.H.O. Sahib, Cyber Crime, Rewari. Subject: Complaint against group of unknown persons regarding commission of on-line fraud. Sir, victim do hereby complain as under: 1. That victim Sudhir Singh, Aadhaar No.48247xxxxx son of Shri Balwan Singh, is permanent resident of village Jahidpur, Tehsil Kosli, District Rewari and is Sanskrit Teacher. 2) That on dated 07.01.2025, victim received whatsapp call on his mobile no. 89302xxxx from some person in the name of Mohit Handa from mobile no. 8260xxxx and the person on the other side stated that you have been digitally arrested by Mumbai Police and it was further stated that you should check your whatsapp account which contains order regarding your digital arrest. One Krishan Gupta, by using your ID, has made act of money laundering worth Rs.68,50,000/- by opening account with H.D.F.C. Bank, Mumbai and he is in custody of C.B.I. and your account details is required for us, upon which victim disclosed his account details and informed that he is maintaining two accounts and the person on the other side asked that you should transfer an amount of Rs.16,000/-through U.P.I. no. AshishllSuperyes and accordingly, victim transferred amount of Rs.16,000/- at 13:53 hrs in the aforesaid UPI Account and after that they instructed me to go to Central Bank, Kosli and accordingly, victim went to Central Bank Branch, Kosli and he was asked to transfer an amount of

Rs.48,000/- in Account No. 50103xxxx and accordingly, on the same day, victim transferred an amount of Rs.48,000/- in NSDL Payments Bank Branch Parbha Devi Mumbai Account No. 501034xxxxx. 3) That on dated 09.01.2025, salary of the victim was credited in the account with Central Bank of India, Kosli and soon after credit of salary, whatsapp calls from the aforesaid number were being received regularly and it was again stated that you should immediately go to Central Bank of India as amount has been credited in your account and we will make inquiry qua that amount and you should transfer an amount of Rs.50,000/- in Account No. 50010xxxx with City Union Bank Jodhpur and if you have not made any fraud/forgery, then, whatever amount will be transferred by you, the same shall be received by you along with interest. Accordingly, victim transferred an amount of Rs.50,000/- in aforesaid account no. 50010xxxx. 4) That on dated 10.01.2025, again, amount of Rs.2,05,000/- was asked to be transferred in account no.1625010xxxx and accordingly, victim transferred the amount of Rs.2,05,000/- in Federal Bank Moradabad Account no.16250100xxxxx. 5) That on dated 11.1.2025, amount of Rs.99,999/- was asked to be transferred in Account no.7366000xxxx and accordingly, victim transferred amount of Rs.99,999/- in aforesaid Account no.736600xxxx at 10:56 hrs in morning. Since 07.01.2025 to 12.01.2025 victim with his mobile no.8930xxxx regularly remained in contact on whatsapp calls with aforesaid mobile no. 82604xxxxx and it was stated to him that you are under digital arrest and you have not to go anywhere nor have to make any discussion with any one. Victim became fully mentally upset nor he made any discussion with any family member and on 12.01.2025 when friend of victim, namely, Sombir son of Mukhtiyar Singh, village Dharoli, District Jhajjar came to the house of victim, then, victim was found locked inside one room and when aforesaid Sombir tried to make discussion with victim, then, victim disclosed that you cannot meet me as I am under digital arrest. Aforesaid Sombir took phone of victim and had a talk and Sombir scolded the persons on other side, then, they disconnected the phone call and after that victim never received any phone call again. Now, it was revealed to the victim that he has been defrauded on-line worth Rs.4,18,999/-. Now, victim has been mentally disturbed a lot. Therefore, it is requested that details of aforesaid mobile number, UPI number and Account numbers be obtained and prompt and stern action against the persons involved in this group may be initiated so that no one else should met with such type of on-line fraud which has been meted with by the victim.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.
6. The State's counsel opposes bail and refers to the status report.
7. It would be appropriate to refer to the following portions of the status report, which

reads as follows:

“10. That the petitioner played an active role in the commission of present crime and it was the petitioner who was connected with the other co-accused persons through WhatsApp Call, and petitioner namely Deepak transferred money on dated 30.12.2024 Rs.500, dated 02.01.2025 Rs.2000 and 500 and on dated 11.01.2025 Rs. 300 total amount of Rs.3300/- to co-accused Aashish on his Google Pay Account by UPI ID NO. UPI/436671709593/P2V/AASHISH 19 as a commission for providing his bank Account No. for fraud transactions. That it is also pertinent to mention here that petitioner separately received Rs. 1500/- as commission for himself and during the course of investigation details of aforesaid joint bank account of parents of the petitioner were taken in police possession and the aforesaid joint bank account of the parents of the petitioner were used by the petitioner through PhonePe.

11(g) The role of the petitioner is a account provider to fraudsters.”

REASONING:

8. The allegations against the petitioner are that he provides bank account of his parents to main accused for a petty amount and no fraud was done by him and the petitioner is not a main accused, as such, he is entitled to bail. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the undertaking given by the petitioner, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this

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bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

21. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

31.07.2025

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No.