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

**CRM-M No.37462 of 2025  
Date of Decision: 01.09.2025  
Reserved on: 27.08.2025**

Vikas Makkar ... Petitioner

Versus

State of Haryana ... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. D.S. Virk, Advocate,  
for the petitioner.

Ms. Himani Arora, DAG, Haryana,  
for the respondent-State.

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**MANISHA BATRA, J.**

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in the FIR mentioned below:-

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
021	07.04.2025	Cyber Police Hisar, Hisar	Crime, Station District 318(4) and 61 of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS")

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Paramjeet Singh alleging that on 13.03.2025, he received a call on his mobile phone. The caller who was a

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female while introducing herself as Suchita Sharma, told the complainant that she was involved in the business of facilitating trading of shares and could make him earn more profits on the money invested by him on shares if he was interested. On being induced by her, the complainant gave his consent. The said Suchita Sharma sent a link on the Whatsapp of the complainant and then added him into a group on Telegram App. She sent a UPI number to him on 14.03.2025 and asked him to transfer a sum of Rs.7100/- from his bank account. The complainant did so but sometime thereafter she told him that his account was frozen and to get the same activated, he needed to deposit a sum of Rs.28,900/-. She sent him another UPI ID and the complainant transferred an amount of Rs.28,900/- in the same. However, his account remained frozen. The complainant contacted the above named Suchita Sharma who introduced him on phone with one Anup Gupta. The said Anup Gupta also made the complainant transfer different amounts of money on the pretext of getting his account activated and in this manner, he was made to part with a sum of Rs.2,96,880/-. The above named Suchita Sharma and Anup Gupta, however, kept on asking him to deposit more money by representing that his CIBIL score was low. Suspecting some foul play, the complainant prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings have been initiated and are underway. During the course of investigation, the accused Darshan @ Kaku and Arshpreet @ Ashu were arrested who suffered disclosure statements to the effect that the present petitioner had asked them

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to provide some account numbers and mobile numbers for the purpose of crediting the amount of money received by committing frauds in those accounts and had offered commission to them. They disclosed that they had provided phone numbers, ATM cards and bank accounts to the present petitioner. The present petitioner was as such nominated as an accused. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Hisar vide order dated 04.07.2025.

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 is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Even otherwise, a compromise has been arrived at between him and the complainant and the latter has no objection if the petitioner is extended benefit of bail. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has been filed. Learned Deputy Advocate General, Haryana has argued that there are serious allegations against the petitioner. His custodial interrogation is must for conducting proper and thorough investigation in the matter. The matter relates to committing cyber crime which has serious consequences. The co-accused had taken the name of the petitioner. No exceptional and extraordinary circumstance for grant of bail is made out in favour of the petitioner. It is, therefore, urged that the petition

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does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner in connivance with the co-accused is alleged to have duped the complainant of a sum of Rs.2,96,880/-. As per the allegations, it was the petitioner who was instrumental in getting bank accounts of the co-accused and other persons opened for the purpose of transfer of the money which was obtained by him and the co-accused, by cheating the complainant. Though the petitioner has claimed that the complainant has entered into a compromise with him and has also placed on record Annexure P-2 photocopy of an affidavit shown to be sworn by the complainant, however, this document cannot be considered to be having any relevance at this stage as the veracity of the same is to be proved before the learned trial Court on the basis of evidence to be produced before the trial Court. The allegations against the petitioner are quite serious in nature as the matter concerns cyber crime/online fraud which necessitates a meticulous evaluation of several factors which is possible only after custodial interrogation of the petitioner. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The case is still at its nascent stage. It is to be investigated as to who else was involved in the crime along with the petitioner. Moreso, the powers of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. In the present case, no such exceptional

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circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(MANISHA BATRA)**  
**JUDGE**

**01.09.2025**

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Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No