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

CRM-M No.33250 of 2025

Date of Decision: 11.07.2025

Vikash Kumar Kishorbhai Amin @ Vicky Aamin @ Vikas Aamin

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kamaldeep S. Sidhu, Advocate
for the petitioner.

Ms. Simran Gorla, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.111, dated 25.06.2024, under Sections 406, 420 & 120-B of IPC and Sections 66-C & 66-D of Information Technology Act, registered at Police Station Phase-I, SAS Nagar (Annexure P-1). Further prayer has been made for staying the arrest of the petitioner during the pendency of the present petition.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of SI Abhishek Sharma. It was alleged that while the police party was on patrolling on 25.06.2024, they



received a secret information to the effect that one company by the name of Weptab Pvt. Ltd has opened its office and running a call centre where 40-50 boys and girls are working. Owner of the call centre is Rishi Bayas and Manager is Kairon Patel and Prateek Dudhat and all belongs to Gujarat. These persons send fake/bogus e-mails to the customers of foreign accounts. The number given in the e-mail is their own fake number and they mention the same as the customer number to him. When the customer calls on the fraud customer number, then the person committing fraud, pretends to be an employee of the customer bank. Thus they trapped the innocent persons and committed fraud with them. It was alleged that in case of raid, they could be arrested. On receiving the secret information, the FIR was registered and the raid, at the place as disclosed in the secret information, was conducted. During the investigation, the complicity of the petitioner surfaced and thus he was also arrayed as an accused in the present case. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, SAS Nagar, Mohali praying for the grant of anticipatory bail. However after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, SAS Nagar, Mohali declined the petition filed by the petitioner vide his order dated 12.06.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the



present case. He has submitted that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement suffered by the co-accused, which is not an admissible evidence. He has submitted that on registration of the FIR, 38 persons have been arrested by the Investigating Agencies and the challan has been presented against all of them. He has submitted that there are no specific allegations made against the petitioner. During the investigation, the Investigating Agencies have not been able to collect any incriminating material against the petitioner. He has submitted that the petitioner has no concern with the company-Webtap Pvt. Limited. He has submitted that no prima facie case as alleged is made out against the petitioner and thus he deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. She has drawn the attention of this Court to the short reply filed by way of an affidavit of Prithvi Singh Chahal, PPS, Deputy Superintendent of Police, City-1, SAS Nagar on behalf of the respondent-State. She has submitted that during the investigation, it was found that the company-Webtap Pvt. Ltd. was not a registered business concern and the same was found to be involved in the illegal activities. She has submitted that co-accused, namely, Kairon Patel and Prateek Dudhat were found to be involved in the case. During the investigation, 23 phones of different brands were recovered from the company premises and out of the said 23 phones, accused, namely, Prateek Dudhat has further got recovered information



from 02 phones related with cheques and gift cards of American customers. Besides this, 45 laptops were recovered from the company premises. During the interrogation of co-accused, namely, Kairon Patel and Prateek Dudhat, they suffered the disclosure statement that Vicky Aamin, i.e. the petitioner was also a shareholder in the aforesaid company, which was running the call centre and it was the petitioner-Vicky Aamin, who used to impart instructions to them from his whatsapp No.+1(225) 330-2143. Thus, DDR No.19, dated 02.07.2024 was recorded and the petitioner was nominated as an accused in the present case. The police remand of the co-accused, namely, Kairon Patel, Prateek Dudhat, Shah Monish Pareshbhai, Sanju Malkar, Praveen Chetri was obtained and they are in the judicial custody. During the investigation, it has been found that the petitioner is involved in the offence in conspiracy with the co-accused. She has argued that the petitioner is the main kingpin of the whole scam. She has submitted that the petitioner with *mala fide* intention, in conspiracy with the co-accused, had duped the foreign customers. She has further submitted that the petitioner is involved in one more case of the similar nature bearing FIR No.05, dated 04.03.2025, under Sections 318(4), 319(2), 338 of BNS and Section 66-D of Information Technology Act, 2000, registered at Police Station Cyber Crime Hyderabad, Telangana. She has thus submitted that keeping in view the gravity of the offence and the stage of investigation, the petitioner does not deserve the concession of bail.



5. The Court has heard learned counsel for the parties and perused the record with their able assistance.

6. As deciphered, the FIR in the present case has been registered on the basis of the secret statement. On receiving the secret information, the raid was conducted at the premises as disclosed in the secret information. The Investigating Agencies have already arrested about 33 accused and collected various incriminating materials from the premises. On the disclosure statement of the co-accused, the petitioner was disclosed to be the kingpin, who imparts instructions to the persons working in the call centre. The foreign customers were found to be duped by the petitioner in conspiracy with the co-accused. The petitioner is found to be involved in one more case of the similar cyber offence bearing FIR No.05, dated 04.03.2025, under Sections 318(4), 319(2), 338 of BNS and Section 66-D of Information Technology Act, 2000, registered at Police Station Cyber Crime Hyderabad, Telangana.

7. There is no gainsaying that the cyber offences are on rise. The investigation is at threshold.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction*



under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632***, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

"31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of



anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."



10. The Hon'ble Supreme Court in *State Vs. Anil Sharma*, (1997) 7SCC 187, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.*”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.



12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.07.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

**(RAJESH BHARDWAJ)
JUDGE**