



CRM-M-43963-2025 (O&amp;M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH****CRM-M-43963-2025 (O&M)****Reserved on : 23.09.2025****Pronounced on : 26.09.2025**

Amit Arora @Tinku

..... Petitioner

VERSUS

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Argued by: Ms. Tejasvi, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G. Haryana.

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**SURYA PARTAP SINGH, J.**

1. For the commission of offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023, the FIR No.44 dated 13.05.2025, has been lodged in Police Station Cyber Crime Yamuna Nagar, District Yamuna Nagar. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody since 06.06.2025 and, therefore, craving for bail. This is first petition, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly stating the facts emerging from record are that the abovementioned FIR came into being on a complaint of Ankush Kumar, who stated that from Mobile No.75419-66399, he had received a call and the

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caller convinced him to make some investment through a website. According to complainant, in response to abovementioned call of the abovementioned caller, he (complainant) gave his identity card and the account details to the caller and the caller siphoned-off a sum of Rs.1,16,60,000/- from the account of complainant using the details and passwords etc. of the account of complainant and thus, duped the complainant.

3. It is the case of the prosecution that in response to abovementioned complaint, formal FIR in this case was lodged and the investigation taken up. According to prosecution, during the course of investigation, it was found that from the account of complainant, an amount of Rs.7,00,000/- was transferred into the account of petitioner and thus, it has been deducted that the petitioner is involved in the commission of abovementioned offence.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner is innocent and he has been falsely roped-up in the present case. According to learned counsel for the petitioner, despite the fact that the petitioner has nothing to do with the act of cheating, he is facing prolonged incarceration since 06.06.2025. It has been further contended by learned counsel for the petitioner that otherwise also, the name of petitioner does not figure in the FIR and the Mobile No.75419-66399, which was allegedly used to allure the complainant, does not belong to the petitioner.

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6. In addition to above, the learned counsel for the petitioner has also argued that the recovery from the petitioner has already taken place, and that the trial is not likely to be concluded in near future, and therefore, detention of the petitioner behind the bars is not likely to serve any purpose.

7. It has also been argued by learned counsel for the petitioner that the petitioner is a poor person, who had undergone the surgery of his leg, and that from 26.03.2025 to 28.03.2025, he was hospitalized for treatment at Panchkula. As per learned counsel for the petitioner, since the petitioner was immobilized, he shared the details of his bank account and firm with Daleep, who was a family friend of the petitioner, and that on the request of Daleep in good faith, the petitioner shared his e-mail ID, password and net-banking details etc. with Daleep and executed a Special Power of Attorney in his favour. According to learned counsel for the petitioner, all these documents have been misused by Daleep, and the petitioner has been implicated.

8. *Per contra*, learned State Counsel has argued that the petitioner is one of the facilitators of commission of cybercrime, and that he is a part of gang involved in cybercrime activities. According to learned State Counsel, without active involvement of the petitioner, the transfer of funds from the account of complainant to the account of petitioner, and then use of that amount by the petitioner, was not possible.

9. The record has been perused carefully.

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10. In the present case, at the very outset, it is pertinent to mention here that a bare perusal of the contents of FIR, vis-à-vis petition, makes it abundantly clear that:

- i. there is no denial of fact that the complainant has been subjected to a cyber fraud;
- ii. a sum of Rs.1,16,60,000/- has been withdrawn from the account of complainant; and
- iii. out of the amount transferred from the account of complainant, a sum of Rs.7,00,000/- has been credited in the account of petitioner and thus, petitioner is one of the beneficiaries of a part of proceeds of crime.

11. Taking into consideration the fact that the petitioner is one of the beneficiaries of the proceeds of crime, he cannot shy away from criminal liability of such benefits. Here this fact cannot be ignored that this possibility in the instant case cannot be ruled out that in addition to petitioner, there may be other beneficiaries also, but this fact has to be kept in mind that with regard to his role in the commission of crime, the petitioner cannot take the shelter of a plea that other persons, who were operating from behind the curtain, have not been tracked by the police. Here it is also relevant to note that at least for his own act, the petitioner is liable and thus, it is hereby held that considering the prominent role, played by the petitioner, the benefit drawn from the proceeds of crime and the gravity of offence, the petitioner is not entitled for the benefit of bail. Hence, the present petition being devoid of merit, deserves dismissal.



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12. In view of above, the present petition is hereby dismissed accordingly.

**(SURYA PARTAP SINGH)  
JUDGE**

**SEPTEMBER 26, 2025**

*Gaurav Thakur*

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No