

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:051008



109

CRM-M-17541-2026

Date of decision: 02.04.2026

Date of uploading: 02.04.2026

Aayush Malhotra

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aman Pal, Senior Advocate with
Mr. Rishabh Chaudhary, Mr. B.S. Jakhar,
Mr. Vikram Singh Jakhar, Mr. Balraj Sharma and
Mr. Neeraj Jakhar, Advocates, for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, 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.167 dated 25.06.2025, registered for the offences punishable under
Sections 318(4), 61(2), 238 of BNS 2023, at Police Station Cyber Crime,
NIT Faridabad, District Faridabad.

2. The gravamen of the FIR in question reflects that the
complainant namely Sushma Bhatia resident of Faridabad in his complaint
made to the police has stated that on 16.06.2025, she received a call on her
mobile phone from a person who claimed to be a CID Inspector from the

Mumbai Crime Branch and falsely informed her that she had been arrested. Subsequently, she received a video call on her mobile phone wherein a person posing as a police officer informed her that she was an accused in the Naresh Goyal Jet Airways Money Laundering Case and that she had been placed under 'house arrest/digital arrest.' She was further threatened that formal orders would be issued and that she would have to pay an amount of Rs.6,80,00,000/- in connection with the said case. She was also threatened that further proceedings would be conducted through WhatsApp video calls involving senior officers and a judge, and was instructed not to disclose the matter to anyone or leave her house. Thereafter, the complainant and her husband, by playing foul play, managed to leave the house on the pretext of taking a bath at around 08:00 AM and reported the matter to the concerned Police Station. Upon inquiry, it was revealed that the complainant has been a victim of cyber fraud. On these set of allegations, instant FIR came to be registered and investigation ensued.

3. 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 for the petitioner further submits that the petitioner has been falsely implicated in the present case and is not even named in the FIR. His name has been surfaced only during the course of investigation on the basis of the disclosure statement of a co-accused, which is inadmissible in evidence and cannot form the sole basis for his implication. It is further contended that no recovery whatsoever has been effected from the petitioner, nor is there any financial, electronic, or documentary material available with the prosecution linking him with the alleged offence. He has further argued that there is no allegation that the petitioner operated any bank account or

had any direct nexus with the transactions in question. 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. Learned counsel has further iterated that since the co-accused have already been granted the concession of regular bail by this Court vide order dated 10.02.2026 (Annexure P-8) and challan against co-accused/main accused already stands presented, the petitioner is entitled for the concession of anticipatory bail. Since investigation stands concluded, there is nothing to be recovered from the petitioner and hence his custodial interrogation is neither necessary nor justified. Furthermore, the petitioner is merely 23 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 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 has further argued the petitioner was actively involved in a serious and well-organized offence relating to cyber fraud, wherein innocent persons have been cheated of substantial amounts of money through fraudulent means. It is further contended that though the petitioner is not named in the FIR, but his name has been surfaced from the

disclosure statements of co-accused. 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 qua him 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 Sushma Bhatia with regard to cyber financial fraud. *Prima facie*, it emerges from the record that the petitioner, in connivance with co-accused, is alleged to have been involved in the commission of cyber financial fraud against the complainant. The allegations against the petitioner pertain to a serious economic offence involving cyber fraud, involving substantial amounts of ₹6.80 crores. Though the petitioner is not named in the FIR, his involvement has surfaced during the course of investigation, and at this stage, the material collected by the investigating agency *prima facie* indicates his nexus with the co-accused and the alleged transactions.

The argument raised by learned counsel for the petitioner that the case is based solely on disclosure statements cannot be accepted at this stage, as the investigation is still underway and the role of each accused is required to be examined in the context of the larger conspiracy. The plea of

parity raised by the petitioner is also not tenable at this stage, as the role attributed to the petitioner appears to be a specific one. 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.

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 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.

7.1 At this juncture, it would be apposite to refer herein a judgment passed by the Hon'ble Supreme Court in *State v. Anil Sharma, (1997) 7 SCC 187: 1997 SCC (Cri) 1039J*, the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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.”

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

April 02, 2026
Naveen

Whether speaking/reasoned: Yes

Whether reportable: Yes