



2025:PHHC:161686



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42544-2025

Sarafuddin Ayub Sheikh

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: November 20, 2025

Date of Uploading: November 20, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

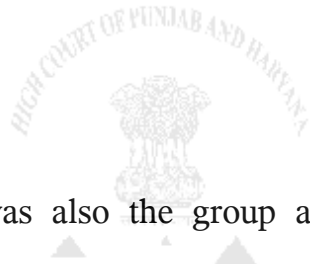
Present:- Mr. Ankit Parti, Advocate and
Mr. Prasang Raheja, Advocate for the petitioner
(presence marked through video-conferencing).

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.0010 dated 07.02.2024, registered under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code, 1860 (for short 'IPC'), at Cyber Police Station, Rohtak.

2. The gravamen of the FIR in question is that complainant, namely, Rajpal Yadav, son of Banwari Lal, reported that he has been a victim of cyber fraud. He stated that on 26.12.2023, he received an invitation on his WhatsApp number 9416243051 to join a group named "Sinha Wealth Institute M 100." The group had been created earlier on 02.11.2023 from WhatsApp number 6282249237142. The invitation was sent by Nisha Gupta, using mobile number



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8105907215, who was also the group admin. She frequently changed her mobile numbers, using 8735879620, 6033409938, and 8658444010 at different times, and is currently interacting with him through 8735879620. Other group admins included Dhananjay Sinha (mobile number 6033381072), another admin using number 6033406945, and Mr. Jimeet Modi (mobile number 9719653414). According to the complainant, Nisha Gupta was the main administrator and communicated with him regularly on WhatsApp. She promised him high profits by investing in Indian share markets, shares, and IPOs. She instructed him to download an application called “Wells Pro App” and join a Foreign Institutional Investor (FII) account. She enrolled him in the FII account under ID: 314919 and persuaded him to start investing money beginning 07.01.2024.

Acting on her instructions, the complainant transferred money to various accounts between 09.01.2024 and 23.01.2024, totaling Rs.17.50 lakhs, from his bank account (Account No.4206172000000114, Karur Vysya Bank, Rohtak). He further alleged that the accused had also transferred Rs.1,000 into his account on 11.01.2024, which appeared to him as a credibility gesture, leading him to trust them and invest further. On 01.02.2024, the accused persons allegedly showed him a fictitious profit of Rs.42 lakhs, reflecting a total balance of Rs.62 lakhs in his FII account, inclusive of his investment. When the complainant sought withdrawal of Rs.40 lakhs for personal needs, the accused demanded an additional Rs.8,20,000 as “Income Tax,” refusing to process any withdrawal until such amount was paid. The complainant further stated that he had been cheated and the individuals involved were cyber scammers who had fraudulently taken Rs.17.50 lakhs from him.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that sole basis for implication of the petitioner in this case is the disclosure statement of the petitioner and co-accused, which is not admissible in law. Learned counsel has iterated that nothing is to be recovered from the petitioner and the account in question already stands frozen. Learned counsel has further iterated that there is no substantial as well as corroborative evidence available with the prosecution to show complicity of the petitioner in the alleged crime. Learned counsel has further urged that no useful purpose would likely be served by continuing the incarceration of the petitioner further. Thus, it has been entreated that the petition in hand be granted.

4. Learned State counsel has pointed towards the compliance report by way of an affidavit dated 25.08.2025 (already on record), relevant whereof reads thus:

- “7. *That the production warrants were issued for the above mentioned accused Arbaaz Ahmed Sheikh and Sarafuddin for 5.4.24 from the court of Ld. Illaqa Magistrate, Rohtak. On 5/4/2024 both the accused were produced in the court by police and thereafter they were taken into custody in this case. Their disclosure statements were recorded and as per their disclosure statement Section 467, 468, 471, 120-B IPC were added in this case. As per disclosure statement of petitioner he received an amount of Rs.30,000/- as commission and he opened the bank account in the name of Belpada Chicken Shop on the basis of forged documents and said documents and stamps of the shop used by them for opening the account were already recovered by Mumbai Police. As per disclosure statement of accused Arbaz Ahmad he received an amount of Rs.15,000/- as commission and he opened the bank account in the name of Belpada Chicken Shop on the basis of forged documents and said documents and stamps of the shop used by them for opening the account were already recovered by Mumbai Police.*
8. *That after completion of investigation the challan against accused Arbaz Ahmad and Sarrafuddin Avub Sheikh has been filed in the court on 18/5/2024 U/s 420, 467, 468, 471 and 120-B IPC. The charges against the accused have been framed vide order dated 21/7/2025 U/s 420, 467, 468, 471 and 120-B IPC. Now the case is fixed for 30/8/2025 for prosecution evidence. There are total 16 witnesses in this case and no witness has been examined so far.*

9. *That the specific role of petitioner is that he got opened an account in the name of Belpada Chicken Shop on the basis of forged documents and said bank account was used for receiving the defrauded amount. In lieu of providing his bank account the petitioner received an amount of Rs.30,000/- as commission.*
10. *That in addition to the above as per record available on cyber portal 45 complaints have been received regarding account No.1364102100001111 which is operated by petitioner and total fraud of about Rs.8,02,83,000/- has been committed through said account.*
11. *That as per police record the following cases have been found registered against the petitioner:-*
 - (a) *FIR no.164 of 2024 U/s 419, 420 IPC & 66(C) & 66(D) IT Act P.S.-Oshiwara, Distt.-Jogeshwari, Mumbai.*
 - (b) *FIR no.44 of 2024 U/s 420, 406, 120-B IPC P.S.-Mansarovar, South Jaipur, Rajasthan.*
 - (c) *FIR No.895 of 2024 U/s 420 IPC P.S.-Cyber Telangana, Hyderabad.”*

Raising submissions in tandem with the aforesaid compliance report, learned State counsel has opposed the grant of regular bail to the petitioner by arguing that there are grave and serious allegations against the petitioner. He has argued that the petitioner along with his co-accused has cheated the complainant for a huge amount. He has further argued that prime prosecution witnesses are yet to be examined. He has iterated that the impugned FIR was registered for serious allegations of cyber fraud involving fraudulent transactions. According to learned State counsel, the offence of cyber fraud not only affects the complainant but also erodes the public confidence in digital banking transactions. He has further argued that the nature and gravity of allegations are to be taken into account as the offence(s) in question pertains to cyber and financial fraud. Learned State counsel also seeks to place on record the custody certificate dated 10.11.2025 issued by the Additional Superintendent, Taloja Central Prison, Navi Mumbai, Maharashtra and stated that the petitioner is currently lodged in the aforesaid prison, and he has no clean antecedents there being multiple FIR(s) pending against him. In case, the petitioner is extended the benefit of regular bail, there are chances that

he may flee from the process of justice as also interfere with the prosecution evidence/ witnesses. On the strength of these submissions, dismissal of the instant bail petition is entreated for.

5. I have heard learned counsel for the parties and have perused the record available on record.

6. Petitioner was arrested on 06.04.2024, whereinafter, the investigation was carried out and the challan has been presented on 18.05.2025. Out of total 16 cited prosecution witnesses, none has been stated to be examined till date. It is an admitted factual position that prime prosecution witnesses are yet to be examined. Allegations leveled against the petitioner are serious in nature inasmuch the petitioner along with his co-accused has defrauded/ duped the complainant for a huge amount. The petitioner has also used forged documents and stamps for opening the account in question and for the said act, he had also received commission to the tune of Rs.30,000/-. As per prosecution case, apart from the aforesaid offence, 45 complaints have been received regarding account No.1364102100001111 which is stated to had been operated by the petitioner and a total fraud of about Rs.8,02,83,000/- has been committed through said account.

7. The contemporary felony of cyber fraud presents a transgression *sui generis* that mandates its categorical exclusion from the judicial indulgence for granting benefit of regular bail. Digital economy is the unassailable *locus* of modern commerce, sustained entirely by the bedrock of public trust. Cyber Fraud acts as a corrosive insurgency, causing not merely an isolated pecuniary loss, but an aggravated systemic damage upon the public financial exchequer, thereby inflicting profound *in rem* detriment. Given its borderless architecture,

technological sophistication and capacity to proliferate rapidly across jurisdiction, cyber fraud possess an inherent potential to destabilize economic ecosystem and erode institutional credibility. Owing to the anonymity, trans-border expanse and a propensity of causing substantial adverse impact, a court is compelled to look into the nature of crime, lest it may tantamount to granting judicial imprimatur to an ongoing systemic threat. Cybercrime, by its very design, thrives on speed, deception and digital manipulation; therefore, judicial response(s) must be equally calibrated, firm and resistant to the evolving ingenuity of such offenders.

8. As per custody certificate dated 10.11.2025 filed by the learned State counsel, the petitioner has multiple FIR(s) to his credit, which shows him to be a habitual offender, the details thereof reads thus:

Sr. No.	Case No.	FIR No.	Police Station	Sections	Trial Court	Status
01	Police Warrant Case No. 1585 of 2024	C.R. No.164 of 2024	Oshiwara Police Station, Mumbai	419 and 420 of IPC, R/w 66(I)(D) of IT Act	Hon'ble Metropolitan Magistrate, Andheri, Mumbai	Under Judicial Custody
02	Regular Criminal Case No.1517 of 2024	C.R. No.64 of 2024	NRI Sagri Police Station, Navi Mumbai	419, 420 and 34 of IPC, R/w 66(C) and (D) IT Act	Hon'ble Civil and Criminal Court, Belapur, Navi Mumbai	On Bail
03	Challan IPC Case No.889 of 2024	C.R. No.10 of 2024	Cyber Crime, Rohtak, Haryana	120-B, 420, 467, 468 and 471 of IPC	Hon'ble Chief Judicial Magistrate, Rohtak	Under Judicial Custody
04		C.R. No.165 of 2024	Loni Kalbhor Police Station, Pune	419, 420 and 34 of IPC	Hon'ble Chief Judicial Magistrate, Pune	Under Judicial Custody
05	Regular Criminal Case No.5127 of 2024	C.R. No.183 of 2024	Sinhagad Police Station, Pune	419, 420, 468 and 471 of IPC, R/w 66(d) of IT Act	Hon'ble Chief Judicial Magistrate, Pune	Under Judicial Custody
06		C.R. No.24 of 2024	Kali ghat Police Station, Kolkata	120-B, 419, 467, 468, 471, 406 and 420 of IPC	Hon'ble Chief Judicial Magistrate, Alipore, Kolkata	Production Warrant

8.1. A bare look at the above FIR(s) reflects that the petitioner is involved in multiple cases across the country. This repeated involvement in similar offences shows that the petitioner's actions are part of a regular pattern. These multiple cases highlight the seriousness of the allegations and their wider impact on the public at large. Overall, the FIRs suggest that the petitioner has been repeatedly and deliberately involved in fraudulent or unlawful activities.

9. Keeping in view the aforesaid factual *milieu* of the case in hand; especially the petitioner having defrauded not only the complainant for a huge amount but also public at large by operating the account bearing No.1364102100001111 through which a total fraud over Rs.8 crores is stated to have been committed, having no clean antecedents there being multiple cases against him of similar nature across the country, and prime prosecution witnesses yet to be recorded; this Court is not inclined to afford the petitioner concession of regular bail.

10. In the aforesaid premise, the petition stands dismissed.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 20, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No