

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

103

2026:PHHC:018804



CRM-M-4401-2026 (O&M).  
Date of decision: 09.02.2026.

NEERAJ SHARMA

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Niraj Kumar Mishra, Advocate,  
Mr. Vishesh Malik, Advocate, and  
Mr. Rahul, Advocate,  
for the petitioner.

Ms. Chhavi Sharma, AAG, Haryana, assisted by  
ASI Ashok Kumar, No.152, Gurugram.

**VINOD S. BHARDWAJ, J. (Oral)**

CRM-3191-2026

Application is allowed as prayed for subject to all just exceptions.

Main case

This is the first petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for pre-arrest bail in case bearing FIR No.342 dated 21.11.2024, registered under Section(s) 318(4), and 61(2) of the Bharatiya Nyaya Sanhita, 2023 and under Section 66-D of the Information and Technology Act, 2008, at Police Station Cyber Crime, District Gurugram.

2 Succinctly, the case of the prosecution is that the complainant, Sharmili Chopra, submitted an application to the police alleging that she had been a victim of cyber fraud. It is stated that she was telephonically contacted by persons identifying themselves as Chandra Takal and Sarah Smith, who claimed to be associated with M/s. Daiwa Securities. The said persons created a WhatsApp group as well as a group on the Telegram application under the name "Reserve A3 Unifield Layout Plan for Bankers," through which they induced the complainant to invest in the stock market. The complainant opened an account on the website "m.dwa-ai.com" and, acting upon the representations made to her, she transferred a total sum of ₹1.98 crores from her three bank accounts.

3 During the course of investigation, it was revealed that the said amount was transferred into eight different bank accounts. In the first layer of transactions, a sum of Rs.10 lakhs was transferred into the Bandhan Bank account of one Parmod Deshmukh. In the second layer, the amount was further transferred into the HDFC Bank account of Manoj Kumar who was arrested on 10.03.2025. During interrogation, he made a disclosure to the effect that in the year 2023, when he had met with an accident and was admitted in Zem Hospital, his cousin, Jitender son of Mahender Singh, met

him and informed him that he knew of a company, desirous of routing funds through various accounts to evade tax liabilities. He persuaded Manoj Kumar to open a bank account and provide the same to the said company in consideration of monetary benefit. Manoj Kumar is stated to have agreed and, a few days thereafter, Jitender arrived along with two other persons, whereupon Manoj Kumar signed certain documents and issued a cheque book, which were taken away. He is stated to have claimed that he neither received any consideration nor had knowledge of subsequent transactions in the said account. Jitender was thereafter arrested on 10.03.2025.

4           Upon completion of investigation, challan was presented against Manoj Kumar, Jitender, Sachin and Vikas. Subsequently, it was revealed that account No. 20100030368142 in the name of M/s. Mahakal Krishi Sewa Kendra had received Rs.10 lakhs in connection with the alleged fraud. The said account was found to belong to Pankaj Nagar, who was arrested on 15.07.2025. Thereafter, Shyambir was arrested on 05.08.2025 and Rajiv Jangra was arrested on 27.08.2025 and a supplementary challan was filed against Pankaj, Shyambir and Rajiv. Nitin Kumar was arrested on 22.09.2025. Investigation further revealed that a sum of Rs.25 lakhs had been transferred into the account of Triputi Balaji Motors, owned by Neeraj Sharma (petitioner herein), in the Bank of Maharashtra. It was also found that on 07.09.2024, a further amount of Rs.20 lakhs was transferred into the account of Triputi Balaji Motors, owned by Neeraj Sharma, in the Bank of India. Thereafter, a sum of Rs.10 lakhs is stated to have been withdrawn by him through a cheque.

5           Learned counsel appearing for the petitioner(s) raises the following arguments: -

(i) That there is no specific allegation to the effect that the petitioner(s) had either induced, influenced or otherwise persuaded the complainant or any other person to make any investment.;

(ii) That the petitioner has already entered into a settlement with the person aggrieved and, therefore, his custodial interrogation is not warranted;

(iii) That the prosecution case rests entirely upon documentary evidence already in possession of the investigating agency and, therefore, custodial interrogation of the petitioner is not required for discovery of any new fact or material.

(iv) That the petitioner is a bona fide businessman carrying on business, a legitimate partnership concern, and that the bank accounts in question are regular business accounts opened and operated strictly in accordance with the prescribed Know Your Customer (KYC) norms and regulatory compliances.

(v) That the allegations, at best, would only be that the bank account of the petitioner was used by certain fraudsters in furtherance of their unlawful designs and no active participation, in the commission of the offence, is attributable to him.

6 A status report by way of an affidavit of Vikas Kaushik, HPS, Assistant Commissioner of Police, Cyber, Gurugram, District Gururam, on behalf of respondent-State has been filed in the Court today. A copy thereof has been supplied to the counsel for the petitioner.

7 It is averred in the aforesaid status report that the complainant transferred a sum of Rs.1.98 crores to the different accounts that were being maintained by the petitioner. The relevant part of the status report is extracted as under: -

*“7. That during the course of investigation, on 10.03.2025, accused Manoj was apprehended and was joined with the investigation of the case. He was arrested of upon receipt appropriate incriminating evidence against him. He was interrogated while being in custody and upon interrogation, he suffered his disclosure statement admitting his involvement in the commission of present case. He disclosed that in the year 2023, he had met with an accident and had been admitted to Zem Hospital, when his cousin brother namely Jitender met him. He further disclosed that Jitender had informed him that he knew a company, who wanted to transfer their money in different accounts to save tax and if he opened an account and provided the same to the said company, he would be given some money in return on which he had agreed. He further stated that after few days, Jitender had come over there with two officials and he signed some documents and a cheque book, thereafter, they took away his bank account kit. According to the inputs provided, offence punishable under Section 61(2) of BNS was added to the case..*

*8. That during the course of investigation, co-accused Jitender was apprehended and was joined with the investigation of the case. He was arrested upon receipt of appropriate incriminating evidence against him. He was interrogated while being in custody and upon interrogation, he suffered his disclosure statement admitting his involvement in the commission of present case.*

*9. That during the course of investigation, details of another first layer beneficiary account bearing number 010761900000633 was obtained and from the perusal of the same, it transpired that the*

*said bank account was registered in the name of Gupta Builders and one Sachin was the proprietor of the same. It ok had transpired that said Sachin was in custody in connection with investigation of another FIR bearing number 337 of 2024 registered at PS Cyber East, Gurugram. Accordingly, the presence of co-accused Manoj was procured by way of issuance of production warrants and on 25.03.2025, he was joined with the investigation of the present case and was arrested receipt upon of appropriate incriminating evidence against him. He was interrogated while being in custody and upon interrogation, he suffered his disclosure statement admitting his involvement in the commission of present case.*

*10. That during the course of investigation, it had transpired that from the first layer beneficiary account bearing number 20100031477716 maintained by one Surjeet Sarkar with Bandhan Bank, an amount of Rs. 3,25,000/ had been transferred to 2nd layer account bearing number 50100745626542 maintained by one Vikas Jangra with the HDFC Bank. Said Vikas Jangid was apprehended on 27.03.2025 and was arrested of upon receipt appropriate incriminating evidence against him. He was interrogated while being in custody and upon interrogation, he suffered his disclosure statement admitting his involvement in the commission of present crime. He further disclosed the complicity of one Rajeev Jangra. According to the inputs provided, offence punishable under Section 66D of IT Act was added to the case...*

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*12. That during the course of investigation, it had transpired that an amount of Rs. 10 lakhs had been transferred from the complainant's bank account to account number 20100030368142 maintained by M/s Mahakal Krishi Seva Kendra with the Bandhan Bank. The record of the said account was obtained and from the perusal of the same, it transpired that the proprietor of the said firm was one Pankaj Nagar. On 15.07.2025, said Pankaj Nagar was apprehended and was joined with the investigation of the case. He was arrested upon receipt of appropriate incriminating evidence*

against him. He was interrogated while being in custody and upon interrogation, he suffered his disclosure statement admitting his involvement in the commission of present case. He disclosed that he had sold his bank account to one Shubham, however, he did not know his address or whereabouts.

13. That during the course of investigation, record of beneficiary account number 60495240713, in which an amount of Rs. 8 lakhs had been credited, maintained with Bank of Maharashtra was obtained and from the perusal of the same, it transpired that the said account was registered in the name of Shyam Bir Singh. On 05.08.2025, said Shyam Bir was joined with the investigation of the case. He was arrested upon receipt of appropriate incriminating evidence against him. He was interrogated while being in custody and upon interrogation, he suffered his disclosure statement admitting his involvement in the commission of present case.

14. That during the course of investigation, on 27.08.2025, accused Rajeev Jangra was apprehended and he was joined with investigation of the case. He was arrested upon receipt of appropriate incriminating evidence against him. He was interrogated while being in custody and upon interrogation, he suffered his disclosure statement admitting his involvement in the commission of present case.

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16. That during the course of investigation, it had transpired that Rs.69,30,000/- had been transferred from the complainant's bank account to account number 20100031477716 maintained by S.S. Traders, proprietor Sanjay Mukherjee and Surjeet Sarkar, with the Bandhan Bank. From the said Bandhan Bank account, an amount of Rs.2.5 lakhs had been transferred on 19.09.2024 to account number 24400100009665 maintained with Federal Bank belonging to one Nitin Kumar. Said Nitin Kumar was joined with the investigation of the case on 22.09.2025 and was arrested upon receipt of appropriate incriminating evidence against him. He was

*interrogated while being in custody and upon interrogation, he suffered his disclosure statement admitting his involvement in the commission of present case.*

*17. That during the course of investigation, it had transpired that an amount of Rs. 2,30,000/-had been transferred to the second layer beneficiary account bearing number 20100030256126 maintained by M/s Metro Shoes with Bandhan Bank. Records of the said account were obtained and it transpired that the said account was in the name of Rajiv Kumar. Said Rajiv Kumar was arrested on 05.11.2025 upon receipt of appropriate incriminating evidence against him. He was interrogated while being in custody and upon interrogation, he suffered his disclosure statement admitting his involvement in the commission of present case.*

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*19. That during the course of investigation, it had transpired that an amount of Rs.50 lakhs had been transferred in the beneficiary account bearing number 20100029600446 maintained by M/s Shourya Enterprises, proprietor Promod Deshmukh, with the Bandhan Bank. From the said Bandhan bank account, an amount of Rs. 14,31,000/ had been found to have been transferred to account number 10189162144 maintained with IDFC Bank and out of the said amount, an amount of Rs, 9 lakhs had been withdrawn vide self-cheque. Records of the said beneficiary account were obtained and from the perusal of the same, it had transpired that the said account was registered in the name of one Pradeep Kumar. Said Pradeep Kumar was joined with the investigation of the case on 04.12.2025 and was arrested upon receipt of appropriate incriminating evidence against him. He was interrogated while being in custody and upon interrogation, he suffered his disclosure statement admitting his involvement in the commission of present case. He disclosed that he used to get opened the bank accounts and used to give the bank account kit to his son Tushar and Lakshay.*

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23. That during the course of investigation, it had transpired that an amount of Rs.25 lakhs had been transferred on 06.09.2024 from the account of the complainant to one account bearing number 60502628030 maintained by M/s Tirupati Balaji Motors, proprietor Neeraj Sharma (the petitioner herein), with Maharashtra Bank. From the said beneficiary Maharashtra Bank account, on 07.09.2024, an amount of Rs. 20 lakhs had been transferred to account number 3852172661 maintained by M/s Tirupati Balaji Motors, Proprietor Neeraj Sharma with the Central Bank of India. Thereafter, an amount of Rs. 10 lakhs had been withdrawn from the Central Bank of India through cheque. Efforts were made to apprehend the petitioner and to join him with the investigation of the case, however, he kept on evading his arrest.

24. That in so far as the role of the petitioner is concerned, the investigation has revealed that Rs.25 lakhs out of the total duped amount had been transferred in the account maintained by the petitioner in the name of Tirupati Balaji Motors Maharashtra. The with of Bank of transaction revealed that the petitioner had thereafter withdrawn an amount of Rs.6 lakhs in cash from his account and thereafter, on 07.09.2024 itself, he had transferred the amount of Rs.20 lakhs in another account maintained by him in the name of Tirupati Balaji motors with Central Bank of India, Hardoi. The said fact is duly corroborated from the statement of account pertaining to account number 60502628030 in the name of Tirupati Balaji Motors, statement whereof is appended to as ANNEXURE R-1. The investigating agency has collected the record from the Bank of Maharashtra, which shows that the petitioner happens to be the proprietor of the Tirupati Balaji Motors. The GST registration certificate in this regard is being appended to as ANNEXURE R-2. After having effected the said transfer, petitioner had withdrawn an amount of Rs.10 the lakhs from the said account on 07.09.2024 itself. The statement copy of the bank of the petitioner's account maintained with the Central Bank of India is being appended to along with the present affidavit as ANNEXURE R-3.

25. That the custodial interrogation of the petitioner is very much necessary to ascertain the modus operandi adopted by him and the other co-accused and further to ascertain the identities of other accused person involved in the commission of present crime and further to recover the duped amount.

26. That the law is settled that the gravity of the offence and manner of commission thereof are a vital consideration while adjudicating upon the aspect of grant or refusal of concession of the anticipatory bail. Thus, this being so, the totality narrated herein above does not warrant the grant concession of anticipatory bail to the petitioner.

27. That apart from the present case, the complicity of the petitioner has also been found in the following cases as well: -

(i) FIR No. 281 dated 12.09.2024 registered at Police Station Kashi, District Mera-Bhaidr, Maharashtra, for the commission of offences punishable under sections 318(4), 3(5) of BNS and Section 66C, 66D of IT Act. Is under investigation, the petitioner is yet to be associated in the abovementioned FIR.

(ii) FIR No.72 dated 10.02.2022 registered at Police Station Tadiyava, Distt Hardoi, UP, for the commission of offences punishable under sections 147, 148, 323, 504, 506, 448 of IPC. The case is under trial, the charge sheet dated 01.04.2022 has been put in the court of competent petitioner.”

8           Au contraire, learned state counsel submits that it is evident from a perusal of the aforesaid status report that a sum of Rs.25 lakhs was credited into the account of the petitioner on 06.09.2024. It is further contended that an amount of Rs.20 lakhs was subsequently transferred to another account and a further sum

of Rs.10 lakhs was withdrawn through different cheques. She further submits that the petitioner is also involved in two other cases of similar nature, particulars whereof have been set out in paragraph 27 of the status report and are reproduced below: –

*(i) FIR No. 281 dated 12.09.2024 registered at Police Station Kashi, District Mera-Bhaidr, Maharashtra, for the commission of offences punishable under sections 318(4), 3(5) of BNS and Section 66C, 66D of IT Act. Is under investigation, the petitioner is yet to be associated in the abovementioned FIR.*

*(ii) FIR No.72 dated 10.02.2022 registered at Police Station Tadiyava, Distt Hardoi, UP, for the commission of offences punishable under sections 147, 148, 323, 504, 506, 448 of IPC. The case is under trial, the charge sheet dated 01.04.2022 has been put in the court of competent petitioner.”*

9 I have heard learned counsel appearing for the respective parties and have gone through the documents appended along with the present petition.

10 It is evident that the petitioner is specifically a beneficiary in the transaction. It is highly unlikely that a person running a business would simply allow his account to be used for heavy financial transactions or hand over his cheque book. A quick withdrawal of huge sum reflects conscious awareness of the monetary receipt and withdrawal of the unlawful amount received into the same.

11 His criminal antecedents further dent his bona fide. His repeated involvement in similar offences shows that he is not new to the crime.

12 Counsel for the petitioner has been emphatic about the settlement with the complainant, however, the same alone does not confer a right on an accused to claim bail. A cybercrime is not akin to any traditional offence against property and Court has to examine the impact of the crime.

13 It is a settled principle of criminal jurisprudence that offences do not assume the character of being compoundable merely by reason of a private settlement between the parties. Section 320 of the Code of Criminal Procedure, 1973 enumerates the offences that may be compounded and specifies whether such compounding is permissible with or without the permission of the Court. In cases falling under Section 320(2) Cr.P.C., the parties cannot, by mutual consent, confer upon themselves a right to terminate the prosecution. They are compoundable only with the permission of the Court and such permission is not to be granted as a matter of course but is subject to judicial scrutiny, keeping in view the nature and gravity of the offence and its impact on society.

14 Cyber offences, particularly those involving inducement to invest through digital platforms, creation of fictitious online identities and siphoning of large amounts of money through structured banking channels, are required to be dealt with sternly. The increasing sophistication of such crimes poses a grave threat to public confidence in financial institutions and digital platforms and cannot be reduced to a matter of private settlement. In an era where commerce and governance are increasingly digitised and interlinked, the ramifications of such offences extend beyond the immediate parties and may generate cascading consequences across sectors. The erosion of trust in financial systems and technological frameworks poses a serious threat to

economic order and public welfare. This court bears a solemn obligation to protect not only individual victims but also the collective interests of society. Therefore, the right to compound cannot be asserted as a matter of course when the allegations disclose serious economic offences with wider societal ramifications. In such cases, the larger public interest must prevail over individual compromise.

15           The administration of criminal justice is an institutional function of the State, undertaken to preserve societal order and ensure accountability for unlawful conduct. The culmination of such proceedings cannot be made contingent solely upon free will of the complainant, especially where the allegations prima facie indicate a pattern of transactions involving multiple accounts and several individuals. It also merits consideration that in cases involving cyber fraud, the complainant who approaches the investigating agency may not necessarily be the sole victim of the alleged scheme and such offences are seldom isolated or singular in character. The digital architecture through which such offences are committed increases the likelihood that similarly placed investors or participants may have been induced into comparable transactions. The detection of one complaint may thus represent only the surface of a more deep rooted and organised activity. In matters of this nature, a thorough and comprehensive investigation is imperative and must be carried to its logical conclusion so as to ascertain the full extent of the criminal enterprise, the number of victims who may have been defrauded and the precise role and involvement of each accused. To curtail the process at an intermediate stage would risk frustrating the discovery of material facts and undermining the larger objective of justice. Hon'ble Supreme Court in the

matter of *Balaji v. Karthik Desari, (2024) 19 SCC 625* has held that criminal prosecution is primarily the responsibility of the State and it cannot be compromised by private settlements between the complainant and the accused, particularly where such settlements undermine public justice. The relevant extract thereof reads as under :

*65. It is true that criminal jurisprudence recognises a limited role for victims and it is the State which is entrusted with the onerous responsibility of prosecuting the accused and getting them punished. But we must remember that certain theories of law were developed at a time when the process of administration of the criminal justice system was in the hands of honest and responsible police officials and the stream remained largely unpolluted. Today the situation is different. In cases of this nature, where some of the complainants and the accused have come together to form an unholy alliance, the victims of crime cannot be left at the mercy of such partnerships. We have seen in this case, persons aspiring to secure public employment, paying illegal gratification, through persons who are public servants, to persons in power and later coming to the court supporting the accused on the basis of an out of court settlement. What was compromised between the complainant and accused is not just their disputes, but justice, fair-play, good conscience and the fundamental principles of criminal jurisprudence. In fact, the case on hand is one where there are two teams just for the purpose of record, but no one knows who is playing for which team and where the match was fixed.*

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*68. The investigation and trial of a criminal case cannot be converted by the complainant and the accused into a friendly*

match. If they are allowed to do so, it is the umpire who will lose his wicket.

16 Having given thoughtful consideration to the factual matrix as noticed hereinabove, I am not persuaded to accept the prayer merely because the petitioner entered into a settlement with the complainant and the immediate grievance of the individual victim stands seemingly redressed. The same cannot be construed as a ground to condone the criminality. The allegations disclose the commission of serious offences involving organized cyber fraud, layered financial transactions and diversion of substantial sums of money through multiple bank accounts. Such offences cannot be construed as disputes of a purely private or personal character. They constitute offences against society at large, affecting not only the immediate victim but also undermining the integrity of the financial and digital ecosystem.

17 Evidently, the entire chain of transaction shows that it is a large operational group carrying out criminal activities through multiple bank accounts. The layered movement of funds, the interplay of several account holders and the withdrawal and onward transfer of substantial sums prima facie reflect the functioning of an organized network designed to camouflage the source and destination of the proceeds and to remove their transactional footprints. In the face of such material, it is inconceivable that the petitioner was not aware of the substantial credits, transfers and withdrawals effected through his bank accounts. Banking transactions of the magnitude alleged herein cannot reasonably be presumed to have occurred without the knowledge or approval of the account holder. Invariably, the only conclusion that can be drawn, at this stage, is that the petitioner was an active participant in the transactional chain

and a beneficiary of the proceeds generated therefrom. Having taken a conscious decision to involve himself in criminal activities, the petitioner cannot claim equities in his favour merely by portraying that he is holier by agreeing to return the proceeds or by effecting restitution to the aggrieved person.

18 The complexity of the financial trail and the manner in which funds were routed through different accounts indicate that only a comprehensive and in-depth investigation would unravel the complete extent of the alleged conspiracy and identify all persons involved. At this stage, to stifle the prosecution on the basis of a bilateral compromise would be premature and contrary to the larger interests of justice.

19 It is also pertinent to note that the Hon'ble Supreme Court, in ***In Re: Victims of Digital Arrests related to Forged Documents [Suo Motu Writ Petition (Criminal) No. 03 of 2025]***, vide order dated 17.11.2025, declined to grant bail to the accused therein until the investigation had reached its logical conclusion. The Apex Court observed that offences involving digital fraud and forged documentation raise issues of grave concern, having wide-ranging implications for public trust and systemic integrity.

20 Criminal law is not designed merely as a compensatory mechanism to redress individual grievances, but also operates as a normative and deterrent instrument to preserve public order and uphold societal discipline. In cases involving organised financial or economic fraud, the element of deterrence assumes particular significance. Such offences are often calculated, profit-driven and executed with deliberation. If criminal proceedings in such matters were to be routinely compounded solely on the ground that the accused has subsequently repaid the amount involved, it would risk setting a dangerous precedent. It may encourage offenders to treat

criminal prosecution as a negotiable contingency by retaining illicit gains so long as detection is avoided and entering into a compromise with the victim only if apprehended. The law cannot countenance a situation where repayment becomes a stratagem to evade penal consequences. To permit such an approach would dilute the deterrent force of criminal law and undermine public confidence in the administration of justice.

21 The present petition thus lacks bona fide and is accordingly dismissed.

February 09, 2026.  
raj arora

(VINOD S. BHARDWAJ)  
JUDGE

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