Bail Application No. 1935/2026
State Vs. Jaspreet Kaur
FIR No. 305/2025
U/s 318(4)/319(2)/61(2)/3(5) BNS. 66D IT Act
& 42 Telecommunication Act
PS Special Cell

07.08.2026

Present: Sh. Mukul Kumar, Ld. Addl. PP for the State.
Sh. Rahul Gautam, Ld. Counsel for the applicant/accused.
IO Inspector Kuldeep Kumar present through VC.

A) BRIEF FACTS

1. This order shall dispose of the second application filed on behalf of the applicant-accused Jaspreet Kaur under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), seeking regular bail in FIR No. 305/2025 dated registered at Police Station Special Cell, New Delhi.
2. The applicant is in judicial custody since 24.12.2025. Her earlier application for regular bail under Section 483 BNSS was dismissed by this Court vide order dated 02.06.2026. Counsel for the applicant and the learned Additional Public Prosecutor for the State have been heard. The application, the annexures, the earlier order dated 02.06.2026, and the available material including references to electronic evidence have been perused.

B) PROSECUTION'S CASE

1. As per the prosecution case, technical analysis of cyber-crime complaints received through the NCRP portal, coupled with surveillance, led to the detection of an organised syndicate operating illegal SIM Box / GSM Gateway devices for routing international VoIP calls through Indian mobile networks. The infrastructure is alleged to have been used by foreign-based

cyber fraudsters to facilitate digital-arrest scams, investment frauds and other cyber-enabled cheating by disguising international calls as domestic Indian mobile calls. A SIM Box setup was detected at a rented premises in Samta Enclave, Qutub Vihar, Delhi. Upon interrogation of the initially apprehended accused, further locations were identified, including a SIM Box setup at Sector-115, SAS Nagar, Mohali, Punjab, alleged to have been operated by the present applicant along with co-accused Sarbdeep Singh.

2. A raid was conducted at the Mohali premises where the applicant and the co-accused were apprehended. According to the prosecution, one SIM Box, CCTV cameras, passports, Cambodian employment identity cards, a laptop, mobile phones and SIM cards were recovered. It is further alleged that another SIM Box imported through an international courier was intercepted on the basis of information obtained during investigation. The prosecution alleges that the applicant had previously worked in Cambodia and had been recruited by foreign handlers for facilitating the establishment of SIM Box hubs in India. The applicant was not named in the FIR and came to be implicated during the subsequent investigation on the basis of disclosures of co-accused and analysis of electronic devices.

C) SUBMISSION ON BEHALF OF APPLICANT/ACCUSED

Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated solely on the basis of disclosure statements of co-accused, which are not substantive evidence; that no specific overt act of inducing any victim or obtaining wrongful gain is attributed to her; that no identifiable victim claims interaction with the applicant; that all alleged recoveries have already been effected and are in the custody of the Investigating Agency; that the electronic evidence is already secured and there is no possibility of tampering; that the applicant at best acted in a subordinate capacity under instructions and lacked mens rea for conspiracy; that investigation qua the applicant is substantially complete; and that continued incarceration would amount to pre-trial punishment. It was urged that the Cambodian employment cards and prior work history, even if assumed correct, do not by themselves constitute an offence.

D) SUBMISSIONS ON BEHALF OF STATE

Learned Additional Public Prosecutor opposed the application. It was submitted that the applicant was an active operator of a SIM Box hub forming part of a transnational organised cyber-fraud network; that the recovery of SIM Box equipment, foreign passports and Cambodian employment identity cards from the premises under her control, coupled with her admitted prior work in Cambodia and recruitment by foreign handlers, demonstrates deep involvement and conscious participation; that the nature of the offence involves facilitation of large-scale cheating through illegal telecommunication infrastructure; that the applicant's established links with foreign handlers and travel history to Cambodia create a real and substantial risk of absconding, including the possibility of fleeing the country through routes such as Nepal or Myanmar to Cambodia or China; and that the electronic evidence, though seized, is still in the process of being fully analysed, rendering continued custody necessary to prevent influence over remaining co-accused and handlers who are yet to be fully brought to book.

E) OBSERVATIONS

1. I have carefully considered the rival submissions and perused the material placed on record, including the order of this Court dated 02.06.2026 dismissing the earlier bail application.

2. This being a successive application, the Court is required to examine whether any substantial change in circumstances has occurred since the dismissal of

the earlier application on 02.06.2026 (**Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528**). The principal grounds now urged — false implication on disclosure statements, absence of specific overt act vis-à-vis any victim, completion of investigation, and seizure of electronic material — were substantially available and considered when the earlier application was rejected. No material change of circumstance of a nature that would warrant a different conclusion has been demonstrated.

3. On a prima facie assessment confined to the limited purpose of bail, the prosecution case discloses that the applicant was found operating a SIM Box installation at Mohali as part of a larger organised network that routed international VoIP calls through Indian numbers to facilitate cyber frauds. The recovery of SIM Box equipment and Cambodian employment identity cards from the premises, together with the allegation of prior employment in Cambodia and recruitment by foreign handlers, constitutes material of sufficient gravity. The offence involves not only cheating under the Bharatiya Nyaya Sanhita but also specialised provisions under the Information Technology Act and the Telecommunications Act aimed at protecting the integrity of the domestic telecommunication network.

4. A significant consideration is the risk of absconding. The record indicates established links of the applicant with foreign handlers and prior presence in Cambodia. In cases of this nature, where the accused has demonstrated transnational mobility and connections with foreign-based operators, the possibility of the applicant fleeing the jurisdiction — including through land routes via Nepal or Myanmar towards Cambodia or China — cannot be dismissed as remote or speculative. The recovery of foreign travel and employment documents from the very premises where the SIM Box was being operated lends concrete foundation to this apprehension. Flight risk, when grounded in such material, is a relevant factor under the triple test.

5. As regards electronic evidence, the SIM Box devices, laptop, mobile phones, SIM cards and other digital material stand seized. Under the framework of the Bharatiya Nagarik Suraksha Sanhita, 2023, such electronic evidence is required to be dealt with through the e-Sakshya process to preserve authenticity and chain of custody. While the physical devices are in the custody of the Investigating Agency, the complete extraction, analysis, certification and presentation of the digital content through the e-Sakshya mechanism remains a continuing process. The presence of the applicant in custody at this stage serves the limited but legitimate purpose of safeguarding the integrity of that process and preventing any residual possibility of remote interference with linked accounts, handlers or residual infrastructure that may still be under investigation.

6. The contention that the applicant merely acted under instructions and lacked mens rea is a matter for trial. At the bail stage it is sufficient to note that the material prima facie attributes to her an <u>operational role in maintaining a SIM Box hub that formed part of a larger fraudulent design</u>.

7. It may be noted that 49 PAN India cyber complaints have been found connected to the SIM box found installed at Mohali.

8. The applicant has been in custody since 24.12.2025. While the period of incarceration is a relevant consideration under Article 21, it must be balanced against the organised and transnational character of the alleged offence, the flight risk arising from foreign links, and the stage of the proceedings. In the totality of the circumstances, the balance continues to tilt against the grant of bail.

9. Having regard to the dismissal of the earlier application on 02.06.2026, the absence of any substantial change in circumstances, the nature and gravity of the organised cyber-telecom fraud, the concrete material indicating foreign

links and consequent risk of the applicant absconding through routes leading to Cambodia or China, and the continuing process of securing and presenting electronic evidence through e-Sakshya, this Court finds no ground to enlarge the applicant on regular bail at this stage.

10. Ld. Counsel for accused heavily relied upon Bail Order in **Bail Application No. 3750/2021 dated 17.01.2022 in Sunder Singh Bhati Vs. State** passed by Hon'ble Delhi High Court, however, in that case of cheating the bail was granted after more than one year of custody (09.12.2020 - 17.01.2022).

F) FINAL ORDER

1. **Accordingly, the present second application for grant of regular bail under Section 483 BNSS is DISMISSED.**
2. Nothing stated herein shall be construed as an expression on the merits of the case, which shall be decided at trial on the basis of the evidence led by the parties.
3. **The present application is disposed of accordingly.**
4. **A copy of this order be given dasti to learned counsel for the applicant. A copy be also sent to the concerned Jail Superintendent for intimation to the applicant, in compliance with the directions in Sanjay Singh v. State (Govt. of NCT of Delhi), W.P. (Crl.) No. 974/2022.**

SAURABH PARTAP SINGH LALER

Digitally signed by SAURABH PARTAP SINGH LALER
Date: 2026.08.07 17:27:42 +0530

(Saurabh Partap Singh Laler)
ASJ-03, New Delhi District
Patiala House Courts, New Delhi
07.08.2026