



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

139-3

CRM-M-61108-2025 (O & M)

Date of decision: 10.03.2026

MOHAMMED ARIF SHAIKH @ ARIF SHAIKH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Naveen Sheokand, Advocate, for the petitioner.

Mr. B.S.Saroha, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.344 dated 21.08.2025 registered under Sections 75, 66, 66-C, 66-D of the Information Technology Act 2008 and under Sections 318(4) and 61 of BNSS 2023 and under Section 42(3) of the Communication Act, 2023 at Police Station Chandimandir, District Panchkula, Haryana.

2. On 31.10.2025, this Court had passed the following order:-

“1. This is first petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for granting concession of anticipatory bail to the petitioner in case FIR No.344 dated 21.08.2025 registered under Sections 75, 66, 66-C and 66-D of the Information Technology Act, 2008 and Sections 318(4) and 61 of BNS, 2023 and Section 42(3) of the Communication Act, 2023 at Police Station Chandi mandir, District Panchkula, Haryana.

2. Brief facts of the prosecution case are that PSI Vijender Kumar was present in the Police Station Chandimandir, Panchkula, when he received secret information from MHC and he was asked to reach Plot No.7 near IT Park and meet SHO, Cyber Crime Branch and his team. Thereafter, PSI Vijender Kumar along with other police officials reached the disclosed place. The SHO, Cyber Crime, Panchkula informed him that three fake call centres were operating at different locations in IT Park, Panchkula out of which one is situated in Plot No.9, First Floor, TBM,

DHL Square, IT Park, Panchkula which is running without any authorisation. A fraudulent call centre is being run there which contacts US citizens under the pretext of providing customer service for Spectrum, AT&T, Xfinity and Century Link and they deceive US citizens by offering false technical assistance and cheat them of the amounts ranging from 100 to 500 U.S dollars. In case, raid is conducted, the persons, who are operating the fake call centres can be apprehended. Thereafter, three raiding parties were formed and a raid was conducted after obtaining search warrants from Commissioner of Police, Panchkula. Upon entering the office, 11 boys and 2 girls were found sitting on chairs working on desktop computers wearing earphones/headphones and were talking in English language through Mircsip-8001 Dialer thereby cheating foreign nationals whose photographs were clicked. All those boys and girls were apprehended who disclosed their names as Daniel David, Livon, Rasul Dawood, Sankhil, Abnezer, Priyansh, Romen Kumar, Brightson, Jangvei, Harsimran Kaur and Manish.

3. During investigation, statement of accused Daniel David was recorded who disclosed that they were working on the instructions of Hardik, who pays them salaries. The plot has been taken on rent by said Hardik but he does not know his full name and address. He also disclosed that there are four partners in the Company, namely Aarif Sheikh (petitioner), Akil Sheikh, Hardik and Koshik. They all listen to calls received on the toll-free numbers through the Miscrosip-8001 Dialer under the pretext of providing customer service and provide technical assistance to resolve problems related to Spectrum, AT&T, Xfinity and Century Link services. When customers in USA call the toll-free numbers of Spectrum, AT&T, Xfinity or Century Link, the calls are connected to them via call vendors and blockers and when customers explain their problem, they attempt to solve the issues and also save the related data on their desktops. They were not aware that data saved on the desktops was being remotely accessed by Aarif Sheikh (petitioner), Akil Sheikh, Hardik and Kaushik and they then used the stolen data to defraud customers by obtaining payments ranging from USD 100 to USD 500 through gift cards and larger amounts through online gift cards. Apprehending arrest, petitioner applied for anticipatory bail which has been rejected.

4. Upon notice, learned State counsel has appeared. Learned counsel for both the parties have been heard and the material placed on record has been perused.

5. Learned counsel for petitioner argued that the petitioner has been falsely implicated on the basis of disclosure statement suffered by co-accused David, which is

not admissible in evidence. Learned counsel next contended that the petitioner has not been named in the FIR and he has been arrayed as an accused on the basis of the disclosure statement suffered by the co-accused as the person who was running the call centre. In fact, he has no concern with the same and no complaint has been made by any foreign national that he has been cheated. No call has been made by the petitioner to any of the co-accused or any US based citizen and no offence is made out against the petitioner. Petitioner has no concern with the building where the alleged call centre was being operated. Learned counsel further contended that case against the petitioner is based on documentary evidence which have already been taken into possession by the Police. He is also ready to hand over his mobile phone and laptop, if required. His custodial interrogation is not required and he may thus be released on anticipatory bail.

6. On the other hand, learned State Counsel opposed the bail on the ground that the custodial interrogation of the petitioner is essential to unearth the entire modus operandi of the accused in running the fake call centre and he does not deserve concession of anticipatory bail.

7. The case was registered on the basis of raid conducted on request of secret information but there was no complaint of cheating by anyone. It is not the case of prosecution that building where the call centre was allegedly being run was either owned or possessed by the petitioner. He has been named only on the basis of disclosure statement suffered by co-accused Daniel David. As to how much evidentiary value will be attached to the same, shall be the subject matter of trial. Petitioner has offered to hand over his mobile phone and other electronic devices being used by him. As such, it will be a debatable question as to whether petitioner was having any managerial connection with the alleged business.

8. Adjourned to 11.12.2025 for filing status report.

9. In the meanwhile, the petitioner is directed to join the investigation and in the event of his arrest, he shall be admitted to ad-interim bail on furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer, subject to the following conditions as envisaged under Section 482(2) of the BNSS [erstwhile Section 438(2) Cr.P.C.]:-

- i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave India without the prior permission of the Court;

- iv) such other condition as may be imposed under sub-section (3) of Section 480, as if the bail were granted under that section.

To be heard along with CRM-M-59894-2025.”

3. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also handed over his mobile phone and laptop and fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

4. Learned State counsel on instructions from PSI Tejinder Pal Singh, affirms the factum of joining the investigation by the petitioner on 28.11.2025 and 01.12.2025 and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

5. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 31.10.2025 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 482(2) of BNSS, 2023.

6. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

10.03.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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