

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

2026.PHHC:002871



(228)

CRM-M-64627-2025 (O&M)

Date of decision: 13.01.2026

Date of uploading: 13.01.2026

Manish Kushwaha

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vishal Garg Narwana, Advocate for the petitioner(s).

Ms. Priyanka Sadar, Sr. DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 on behalf of the petitioner for grant of regular bail in case bearing FIR No.101 dated 21.08.2025, registered for the offences punishable under Sections 308(4), 318(4), 61(2) of BNS, 2023, Sections 66, 66(C), 66(D), 75 of the IT Act, Section 42(3) of the Telecommunications Act & Sections 7 & 8 of the P.C. Act, at Police Station Cyber Crime, Sector 20, District Panchkula.

2. The gravamen of the FIR in question is that on the intervening night of 20/21.08.2025, police received secret information that fake call centres were being run on 2nd and 6th floors of Plot No. 7, Twin Tower,

Sector 22 IT Park, Panchkula and on the second floor of Plot No.9, DHSL. Further, the miscreants were cheating foreigners and extorting money from them. Police obtained search warrant from DCP, Crime and Traffic, Panchkula. Raiding teams were constituted to conduct raid at the three call centres simultaneously. Raid was conducted in flat no.M-10-06 GF Twin Tower, IT Park, Sector 22, Panchkula, on the 6th floor. When the raiding party went inside flat no. M-10-06, it saw boys and girls sitting in a hall, working on laptops, they were wearing earphones/ headphones and speaking through the microphones in English. 17 girls and 28 boys were present at the spot; they disclosed their names as Preety; Kupuli; Catherine; Suzan; Aline; Kivi; Jenny; Julio; Grace; Furlina; Dainty; Nono; Kivini; Michel; Kithetoli; Renu; Alivi; Ranjeet; Abhishek; Kaloto; Akho; Nipuve; Namchi; Luntsuba; Myanlumo; Henry; Itileube; Md.Bhurhamddin; Vipu; Rokotoliu; Nikivi; Iloka; Akito; Johny; Asupa; Anguvi; Lunso; Vipeto; James Poa; Bardei; Tunakivi; Rajib Das; Pramod; Yusuf. 62 laptops; 16 Mobile Phones; Personal Mobile Phones of aforesaid employees; Headphones; Chargers; Wi-Fi Connectors; Printer; Registers, etc.were recovered from the spot. Upon inquiry, police found that Ranjeet and Preety were the oldest of the aforesaid employees. Ranjit claimed that he had been working in Ispace Technologies Pvt. Ltd.since 10 months; he used to run a cosmetics shop in his village Bhuj, Gujarat earlier; he had an account on Facebook where he came across a link for Job Recruitment in the aforesaid company; when he opened the link, it showed the profile of Ispace Technology Pvt. Ltd.,Pune. He got a phone call; a woman enquired about him and his educational qualifications. He told her that he held a

diploma in Web Designing, whereupon he was asked to join the job at No. 22, Twin Tower, Panchkula; he came there in November and met Fahad, who claimed himself to be the Manager of the Panchkula Centre of the company. He trained him and told him that he would have to talk to people in English through Eyebeam Software/ Dialer on a laptop and inform the foreigner customers that he was an employee of Obama Insurance Company, USA and insure at least 5 Americans; if he insured more than 5, he would get incentive; they used to get calls on Eyebeam Software/Dialer, whereupon they answered the call, claiming that they were from Obama Insurance, and offering help; after the customer enquired about the scheme, they inquired from him about his Medi- claim, Medi-Care and income. They supplied the said information to the Supervisor/ Manager Fahad, who used to capture their photographs with his phone. Fahad was cheating the Company and the foreigners. Two of his unknown accomplices also used to accompany Fahad. Preety informed the police that she had been working since 4 months in Ispace Technology Pvt. Ltd. Company; one of her friends Alum used to work with her in Radison Hotel, Bangalore, who informed her about the Panchkula centre of the company and gave her the contact no. of Fahad, to whom she talked in January; he inquired about her education and skills and asked her to join the job at Sector-22, Twin Tower, Panchkula; she joined the job in April 2025, Fahad was Manager and Supervisor there; he gave her training about the company's work and told her that she had to talk to people in English through Eyebeam Software/Dialer on laptop and inform the foreigner customers that she was an employee of Obama Insurance Company, USA; she had to insure

minimum 5 Americans and was entitled to incentive if more no. of people were insured; they used to get calls on Eyebeam Software/ Dialer, and enquired from the customers about their Medi-claim or Medi-care and income and provided the said information to Fahad, who took their photos with his phone. Fahad used to be accompanied by two unknown persons, the said persons had not come to the centre that day. Prosecution alleged that Fahad and his unknown associates were cheating the boys and girls on false promise of job and were cheating the foreigners in the name of Insurance. Police clicked photos and made videos on e-Sakshya app. No licence or other document qua the call centre was found there. This case was registered. SIT was constituted. During investigation, police collected the bank and mobile records of accused Syed Fahad ul Hasan. On 23.08.2025, information was received from Delhi Airport that accused Syed Fahad ul Hasan had been detained, whereupon he was arrested, his disclosure statement was recorded, to the effect that he along with his partner Rai Paresh Ramshankar @ Daniel was running an illegal call centre and defrauding the Americans. On 24.08.2025, co-accused Rai Paresh Ramshankar Rai was arrested. The said accused disclosed that they had been giving protection money (bribe) to SI Satish Kumar initially @ Rs.4 lakhs p.m. and later Rs.8 lakhs per month for running the illegal call centre. Their statements were got recorded before the Magistrate under section 183 BNSS. Accused Syed Fahad ul Hasan got recovered an amount of Rs.2,50,000/-, mobile phone, laptops, vehicle No. JK01BB2197; Rs.7,50,000/-, mobile phones, laptops were got recovered by accused Rai Paresh Ramshanker. On 30.08.2025, accused Manish was arrested, his

disclosure statement was recorded; laptop of accused Manish, containing data of the illegal call centre was recovered, his associate Hansraj was arrested. On examination of the laptop recovered from accused Sayyad Fahad ul Hasan during investigation, police found that the mobile number of SI Satish Kumar was saved in the contact list of the laptop as Satish sir private 919416339534. Sections 7,8, Prevention of Corruption Act were thus invoked. Arrest of SI Satish Kumar and Hawala agent HK is pending. Accused Satish was joined in investigation upon being granted interim anticipatory bail by Hon'ble High Court. The mobile phones recovered from the accused persons were deposited in forensic laboratory, customer application forms of the mobile numbers were collected. Record was also collected regarding the land document, which had been got recovered by accused Rai Paresh Ramshankar. Manish nominated Hansraj and Manoj Vakil in his disclosure statement whereupon the instant FIR was registered.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.08.2025. Learned Senior counsel has submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that there is no material appended with the challan regarding the money trail on account of which any culpability can be ascribed to the petitioner. Learned counsel has further submitted that the offence under Sections 7/8 of the P.C. Act as also Section 308(4) of BNS is primarily attributable to the co-accused namely Sub-Inspector Satish Kumar, who has been extended the concession of anticipatory by this Court vide order dated 11.11.2025 passed in CRM-M-54300-2025. Learned counsel has further submitted that the offence under

Section 318(4) of BNS (earlier Section 420 of IPC) is not invocable against the petitioner, as no victim/person who has been defrauded brought forward by the police. Learned counsel has further submitted that the petitioner has clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has submitted that the petitioner was arrested while he was trying to flee from the country and certain foreign currencies were also recovered from him. Learned State counsel has further submitted that Rs.2,15,000/- were also recovered from the petitioner. Learned State counsel has further submitted that the laptop and the mobile phone(s) recovered from the petitioner have been sent to the FSL and before extending the concession of bail to the petitioner, the said report should be awaited. Learned State counsel has, accordingly, opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 13.01.2026 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. Before delving into the rival contentions, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429***, relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of

liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution.”

6.1. Further, the Hon’ble Supreme Court in a judgment titled as

Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118, has held as under:-

*“Where the granting of bail lies within the discretion of the **court**, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the **court**, the primary inquiry is whether a recognizance or bond would effect that end.”*

6.2. Furthermore, the Hon’ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40***, has held as under:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”

7. The petitioner was arrested on 30.08.2025 whereinafter investigation was carried out and challan was presented on 20.10.2025.

Total 69 prosecution witnesses have been cited and it is not in dispute that

charges are yet to be framed. It is not in dispute that culmination of trial will take its own time. The rival contentions raised at Bar give rise to debatable issues shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

7.1. As per custody certificate dated 13.01.2026 filed by the learned State counsel, the petitioner has suffered incarceration for a period of 4 months and 6 days & is not shown to be involved in any other FIR/case.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

- (v)

The petitioner shall deposit his passport, if any, with the trial Court.
- (vi)

The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii)

The petitioner shall not in any manner try to delay the trial.
9.

In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
10.

Ordered accordingly.
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

13.01.2026
Naveen

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