285 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1080-2025
Reserved on : 08.04.2025
Pronounced on: 28.04.2025

SAURABH ALISA SAURABH CHAUDHARY ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Argued by: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
63	19.03.2010	DLF-II, Gurugram, District Gurugram	120-B, 201, 408, 420, 467, 468 and 471 IPC (Sections 201, 467, 468 and 471 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

> *"That before proceeding further with the present status report, it is imperative to mention some facts of the case, which are that on 19.03.2010, the complainant Manish Kaushik, Regional Fraud Control Manager, SBI Cards and Payment Services Ltd., submitted a complaint alleging therein that their company issues Credit Cards to the customers. The Company has an agreement dated 01-12- 2008 with M/s. Serco BP Pvt. Ltd. and they have the helpline no. 0124-39020202 for customer services so as to receive their problems and resolve the same. The help line desk is located at 10th floor Infinity Towers, DLF Cyber City Gurugram. In the said helpline, they have been receiving calls from customers with request to change the contact numbers and address of the Credit Cards issued to them which is duly processed after verifying the same. On 23-01-2009, a call was received from Shri Sunil Arora from mobile no. 9250189775 with a request to change his address from "H. No. 49 Ajit Nagar Sultan Wind Road, Amritsar to H. No.*

2696 NBC Sector 55 Faridabad. After verifying, the address in the credit card was changed. He also informed that his credit card had been lost, and he requested for issuance of fresh Credit Card to his new address i.e. H. No. 2696 NBC Sector 55 Faridabad After completing the necessary formalities, the fresh credit card was issued. The said new credit card was dispatched through Express Courier Service on 28/11/2009 and it was delivered on 30/11/2009. However, later on it came to notice that a person impersonating Sunil Arora had given his Mobile No. 9311971311 and received the credit card. This card was later misused at Priya Overseas, Omaxe Mall Gurgaon and Reliance Fresh, Sector 22, Faridabad for a total amount Rs. 63,017/- Thereafter similar requests were received from various customers to their helpline including a call on 17.11.2009 from a one person claiming himself to be Rohit Srivastava having Mobile no- 9711874492, with a request that his address be changed from D-103, Nagarjun Green Ridge 15/2 9th Main, 27th Cross HSR Sector 2, Bangalore to H. No 2915 GF HBC Sector 55 Faridabad. After verifying the same, his address was changed. He had also requested that his Credit Card had been lost and new card be issued and after completing formalities new credit card was dispatched on 24/11/2009 delivered on 26/11/2009 through Express IT Courier and the same was received by a person impersonating himself as Rohit Srivastava. He mentioned his mobile no as 9718874493 on the Proof of Delivery document. This card was also later on misused at Priya Overseas and Reliance Fresh for total amount Rs. 1,17,938.45/- Another call was received from mobile no. 9368911782 for change of address of Krishan Dev from H. No. 31 SF Madan Park East Punjabi Bagh New Delhi to H. No. 2915 GF HBG Sector 55 Faridabad and on his request, fresh credit was issued on 25/05/2009 delivered on 30/05/2009 and the same was also received by a person impersonating as Krishan Dev and mentioned his number as 0129- 4021903 on the Proof of Delivery. This card was later on misused at Dev Floor and Electronics, Faridabad for total amount of Rs.87,309.60/- Similarly a request was received at their Help line from mobile no. 9250189775 and 9711874492 for change of address of Balkar Singh from H. No. 655/9 Jawahar Colony NIT Shanti Kung Faridabad to H. No 3095A HBC Sector 55 Faridabad and he also requested for issue of fresh Credit card and after due formalities the address was changed and fresh credit card was issued at his new address. The said card was misused at Reliance Fresh and other merchants for a total amount Rs. 70,017.20/- Similar request was received at our help line from Jasbir from mobile no. 9654523089 for change of his address from Aegon Religare Life Insurance, Seagull Apartment 1st floor Main Road Sakchi Jamshedpur to H. No 2807-A HBC Sector 55, Near Police Chowki Faridabad Haryana and he also requested for issue of fresh credit card and after due formalities fresh credit card was issued on

19/12/2009 at his new address and dispatched on 25/12/2009 by Express IT Courier which was also received by a person impersonating as Jasbir Singh on 26/12/2009 and mentioned his number on the POD as "9999045770" This card was later on misused at Maruti Sales Trading Company, MS Glass and Reliance Fresh for total amount Rs. 93,951.97/- Similar request was received at their help line from Ankur Rao for change of his address from H. No I-10/A L block Vijay Vihar, Rohini Sector 4, Delhi to C/o S.N Sharma H. No D-66 First floor Gali no. 3 Ishwar Colony Arjun Park Najafgarh Delhi and he also requested for issue of fresh credit card and after due formalities fresh credit card was issued at his new address. This card was also misused at Lovable India Corporate and Priya Overseas for a total amount Rs. 1,01,835.59/- on 20/9/2009 and 12/11/2009. Alarmed by such complaints, the company conducted investigations and found that a person by the name of Saurabh Chaudhary working with M/s. SERCO BPO Pvt. Ltd. as Payment Assistant Executive in Collection Branch, had taken out the information about the above named customers and passed it to a person named Kabir. Saurabh Chaudhary was working on the rolls of SERCO BPO Pvt. Ltd. The above act of Saurabh Chaudhary has caused an estimated loss of Rs. 6 Lakhs to the complainant company. Prayer was made for taking legal action. Thereupon, the above mentioned FIR No. 63 dated 19.03.2010 u/s 408, 420, 120-B, IPC (Later on added Section 467, 468, 471, 201 IPC) was registered at P.S. DLF Phase-II, Gurugram."

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR and he is not involved in any other FIR. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any, and the petitioner would stay away from the property/work place, residence of victim and he will not pressurize, induce, threaten the victim or his family members. In case, he repeats the offence or commit any offence where the sentence is more than 03 years, he would have no objection, if State files an application for cancellation of bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"xxx xxx xxx xxx

11. That the role of the petitioner Saurabh Chaudhary in the present case is that he used to work at M/s Serco BP Pvt. Ltd. as Payment Collection Executive. The said company was having agreement with SBI Cards and Payment Services Pvt. Ltd. for payment collection. The petitioner (being the Payment Collection Executive at M/s Serco BP Pvt. Ltd.) was having the information about the customers of SBI Cards and Payment Services Pvt.

Ltd. The petitioner conspired with accused Arvind Kumar and Dara Anand and in pursuance of the said conspiracy, the petitioner provided the details of Sh. Sunil Arora and Sh. Krishan Dev (customers of SBI Cards and Payment Services Pvt. Ltd.) to the said accused Arvind Kumar and Dara Anand. The said accused persons got changed the address in the credit cards of Sh. Sunil Arora and Sh. Krishan Dev, got issued the fresh credit cards at the new addresses and misused the said credit cards at merchant outlets and fraudulently earned Rs. 6 Lakhs. Out of the said amount, the petitioner had received Rs. 2 Lakhs in his share which he spent on his personal expenses. Upon coming to know about registration of present FIR, the petitioner had absconded and changed his name to Param.

12. That the evidence against the petitioner is that he is the by name accused in the present FIR. The petitioner had provided the information about the customers of SBI Cards and Payments Services Ltd. to accused Arvind Kumar and Dara Anand and on the basis of the said information provided by the petitioner, the accused Arvind Kumar and Dara Anand got changed the address in the credit cards of Sh. Sunil Arora and Sh. Krishan Dev, got issued the fresh credit cards at the new addresses and misused the said credit cards at merchant outlets and fraudulently earned Rs. 6 Lakhs."

REASONING:

7. Amount involved in this case is Rs.6 lakhs. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 12 of the bail petition, the petitioner has been in custody since 17.10.2024. Per the custody certificate dated 07.04.2025, the petitioner's total custody in this FIR is 05 months and 20 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the	

	attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. ***This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail***.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

28.04.2025 **(ANOOP CHITKARA)**
renubala **JUDGE**

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