2025:PHHC:099816

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M No.32290 of 2025
Date of decision: 04.08.2025

Gaurav Jha ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Kushagra Beniwal, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	**Dated**	**Police Station**	**Sections**
0009	21.01.2025	Cyber Crime Police Station Sirsa, District Sirsa	318(4) and 238(a) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS")

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant Bharti alleging that she was offered a job of Data Entry Operator by working from home, by one Ruhi Sharma @ Nidhi who was an employee of the present petitioner. On the pretext of providing lucrative work from home opportunity, the complainant was deceitfully induced initially to deposit money at regular intervals in routine by representing that they were processing charges and was subsequently instructed to transfer money in different accounts by several forced transactions and by committing fraud, a sum of Rs.67,80,272/- was extracted from her.

3. After registration of FIR, investigation proceedings were initiated. The accused Nidhi @ Ruhi Sharma was arrested. She suffered disclosure statement to the effect that she was employed by the petitioner about five years back. She was trained to commit fraud with public persons over phone by convicing them and to extort money. She disclosed that the petitioner used to give the mobile numbers of the victims and on the pretext of giving job consultancy, she used to convince public persons to accept the job offered by the petitioner and then used to get money transferred under different heads in the names of job placements. She disclosed that the complainant was also cheated in

the same manner. The call detail records of the mobile phones used by the petitioner and the co-accused had been collected. The mobile numbers linked to associate bank accounts were found to be active at the relevant time in the same area wherein the petitioner had been residing. He was arrested on 12.03.2025. On interrogation, he suffered disclosure statement admitting his active indulgence in the subject crime. The recovery of cash amount of Rs.1 lakh, sim cards, bank account kits and mobile phone used in process of fraud, was effected at his instance. He also suffered a supplementary disclosure statement. The co-accused Anil Kumar was subsequently arrested. Investigation now stands completed and challan has been presented.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not directly named in the FIR. None of his bank account is found to be linked with the transactions allegedly done with the complainant. He has been nominated on the basis of statement of co-accused Nidhi and Anil Kumar which cannot be considered to be admissible in evidence. He has clean antecedents. The subject offences are triable by Magistrate. The trial would take considerable time to conclude. His further incarceration would serve no purpose. The co-accused Nidhi has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore,

argued that the petition deserves to be allowed.

5. Status report has been filed. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioner who in connivance with the co-accused committed cyber crime on the pretext of providing work from home opportunities to the complainant and thereby inducing her to part with a huge amount of money. He is the mastermind behind the entire crime. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner in connivance with the co-accused is alleged to have induced the complainant to part with huge amount of money on the pretext of providing her online job work at home facility. His complicity and active involvement in the crime has been prima facie established during the course of investigation on the basis of detail of call that were exchanged between him and the co-accused. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the trial. There are serious allegations against the petitioner as he is alleged to be the precipitator of the crime. The allegation that he may abscond cannot be stated to be unfounded at this

stage. In view of the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petitioner does not deserve to be extended benefit of bail at this stage. Accordingly, the petition is dismissed.

(MANISHA BATRA)
JUDGE

04.08.2025
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No