IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32724-2025
Reserved on: 03.09.2025
Pronounced on: 22.09.2025

Hitesh Bhnsali ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate
Mr. Dhruv Trehan, Advocate
Mr. Rahul Sharma, Advocate and
Mr. Rahul Aggarwal, Advocate
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
121	25.03.2023	DLF, Sector 29, Gurugram	409/420/467/468/471/201 and 120B IPC

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. Per paragraph 8 of the bail petition as well as custody certificate dated 25.08.2025, the petitioner has no criminal antecedents.

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

> *"3. That the brief facts of the present case are that on 22.09.2022, complainant Ramesh Prabhu, CEO, Gamesh Kraft Technologies Pvt. Ltd. submitted a complaint alleging therein that Vihaan Kumar introduced himself to be an investor in September-October, 2020, who works out of multiple entities established at Gurugram and one of the key entity is NSP Innoviontech LLP situated at Circle work, 4th Floor, Huda City Center,*

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Sector 29, Gurugram. Vihaan Kumar continued to lure the promoters on the promise of a large investment by him and instructed a change in the Board composition of the complainant company for operational purposes. Through his false inducement, he nominated his personnel to the Board of Directors of the company and obtained complete control of the Board. However, he kept postponing the actual investment to be made by him on various pretexts and gave repeated false assurance to the promoters. Due to the inducements made by Vihaan Kumar, the founders of Gameskraft permitted him to represent himself as a founder/promoter of the company, externally to their parties, as well as internally to Gameskraft employees. Vihaan Kumar continued to represent himself as a founder/investor of Gameskraft and held meetings with various third parties including firms such as Ernst and Young, PWC, Law firms and Government officials etc. towards his expansion plans. He used the personnel of his companies to act as his representative, who carried out his instructions with respect to Gameskraft's business and the details of such persons/entities are M/s Clear Though Advisors (Proprietorship) CLA's GSTIN is registered With the legal name Vihaan Kumar: Sadhan Finserve Private Limited; Vijay Kumar Dhanuka, Sadhan Enterprises (1) Private Limited, NSP Innovations LLP, Arthmate Tech P2P Financial Private Limited. Vijay Kumar Dhanuka and Hitesh Bhansali were Vihaan's personnel, who executed directions given by him. Additionally, Gameskraft personnel, including complainant would act on such directions as they were under the impression that he was akin to a promoter/founder. Vihaan Kumar selected Umesh Kumar Ram and Rajesh Kumar Lohia by assuring complainant that they are competent and would provide them the requisite professional expertise relevant to the business, who lateron were appointed as Directors of the company on his advice. He refused to permit any one from Gameskraft company to directly interact with newly appointed Directors. It is further stated that after discovering various irregularities at the end of Vihaan Kumar's engagement with the company, they conducted a due diligence and background of the aforesaid Directors and found that signatures of the aforesaid Directors i.e. Umesh Kumar Ram and Rajesh Lohia in the MCA documents and document available with the company did not match, which shows that Vihaan Kumar with malafide intention introduced these two Directors of the company so that he could take control of the company's business. In Octor-December 2021, when they tried to change the composition of the company's Board, he could not contact Umesh Kumar and Rajesh Lohia as all the communication used to take place through Vihaan Kumar. When

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complainant company requested to co-operate, he did not cooperate and even did not provide the company's documents. To regain control, company had to invoke a special procedure under the Companies Act, 2013, to appoint qualified professional persons as Directors and to remove Umesh Kumar Ram and Rajesh Kumar Lohia from the Board. Vihaan Kumar unilaterally selected and on boarded certain service providers such as Fly Tech Services (Proprietorship) for Software Development and Consultancy services; Ginni Technology (Proprietorship), Skytech Technology (Proprietorship), Synx Technology (Proprietorship) and Key Solutions Technology (Proprietorship) for IT/ITES Services; Flora Engineering (Proprietorship) for General Construction Services and Netaxcess Communications Limited for various services/goods including providing automatic data readers, machines for panalogue and engagement of aforesaid service providers, including scope of work, execution of agreements, check on work progress, confirmation of receipt of services and release of payment were entirely managed by Vihaan Kumar. Vijay Dhanuka and Hitesh Bhansali and finance department of the company was directed by Vihaan Kumar to release the payment to these companies from time to time. It is further stated that company was asked to make certain payment of GST by the officials of GST department, Bengaluru for the invoices raised by the aforesaid companies but their company had already made payment of invoices raised by these companies including the GST but they failed to deposit the GST received by them, which caused huge loss to the tune of Rs. 12,15,00,000/-.They attempted to contact the persons to know the reason as to why the GST dues were not paid, but none of the entities were found at the given address. On enquiry made by the company, it was found that Vihaan Kumar has done similar frauds with some other companies as well. Prayer was made to take legal action. Thereupon, the above mentioned FIR No. 121 dated 25.03.2023 u/s 409, 420, 467, 467, 471, 120-B IPC was registered at P.S. DLF Sector-29, Gurugram."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this

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FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes bail and refers to the reply. Counsel for the complainant submits that recovery of amount not effected and prayed for further investigation with direction to the concerned Superintendent of Police to make efforts to recover the proceeds of crime.

6. At this stage, counsel for the petitioner submits that petitioner will join investigation and cooperate with the investigator, if further investigation is ordered.

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

> *"That the role of the petitioner Hitesh Bhansali in the present case is that he along with co-accused Vihaan Kumar and Vijay Dhanuka, had sent the documents pertaining to the fake Directors namely Umesh Kumar Ram and Rajesh Kumar Lohia to the complainant company through e-mail and whats app, and a CC of the same was sent by the petitioner to accused Vihaan Kumar. The petitioner had worked as accountant in the shell companies of accused Vihaan Kumar (M/s NSP Innovianotech LLP, M/s Mamta Projects, M/s Clear thought Advisors, M/s YSG Cabs and Logistics Pvt. Ltd.-now Sadhan Enterprises, M/s Imperial Purple Investment Services) and the petitioner had operated the bank accounts of the said shell companies. The petitioner had transferred the amount of the said accounts in the other companies of accused Vihaan Kumar on his instructions. The petitioner had got created the DSC of the fake Directors Umesh Kumar Ram and Rajesh Kumar Lohia through accused Amit Khaitan. The petitioner is still employed with accused Vihaan Kumar. From the perusal of whatsapp chats of the petitioner Hitesh Bhansali it was found that he had asked accused Amit Khaitan to provide two Directors at the rate of Rs. 10,000/-per month per Director. In pursuance of the same, accused Amit Khaithan asked about the same from accused Shyam Sunder Aggarwal and he did the same by providing the persons namely Umesh Kumar Ram and Rajesh Kumar Lohia to the accused Amit Khaithan. Accused Amit Khaithan appointed Umesh Kumar Ram and Rajesh Kumar Lohia as Director on the instruction of the petitioner Hitesh Bhansali and co-accused Vihaan Kumar. Thus, the petitioner was actively involved in the entire fraud. The petitioner has been named in the present FIR."*

REASONING:

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8. Learned Senior counsel Mr. Vinod Ghai, submits that petitioner was main king pin and has misappropriated a massive amount of money at the instance of other accused-Vihan Kumar. There is no reason for this Court to undermine the thugee committed by the petitioner but this Court cannot loose site of the fact that petitioner is in custody for more than 6 ½ months coupled with the amount involved and fact that case is triable by the Magistrate would certainly make out a case for bail to the petitioner at this stage. It is also for the reason that no recovery is stated to be effected from the petitioner. Moreover, petitioner is ready to join and cooperate in the investigation.

9. 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.

10. Per paragraph 5(D) of the bail petition, the petitioner has been in custody since 14.02.2025. Per the custody certificate dated 25.08.2025 the petitioner's total custody in this FIR is 06 months & 10 days.

11. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.[1]In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.[2] Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.[3] Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.[4] When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is

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[1] Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

[2] Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

[3] Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

[4] Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

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violated.[5]

12. Given the above, 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 further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

13. 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.

14. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

15. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

16. 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)	

17. This order is subject to the petitioner’s complying with the following terms.

18. 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

[5] Supreme Court of India in Sanjay Chandra v. CBI , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

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circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

19. Petitioner shall join investigation and cooperate with the investigator in recovery of proceeds of crime. Further investigation be carried by the investigator. In case of failure of petitioner to join or cooperate in the investigation, State shall be at liberty to file cancellation of bail of petitioner before the Sessions Court and such Court shall be competent to cancel his bail.

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

21. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025), in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

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

(ANOOP CHITKARA)
JUDGE

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Whether speaking/reasoned: Yes
Whether reportable: No.

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