

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:098616



302

CRM-M-35346-2025 (O&M)

Date of decision:04.08.2025

Gaurav Sharma

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhimanyu Singh, Advocate and
Mr. Mudit Johar, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Mr. Reshabh Bajaj, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present one is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.0248 dated 18.09.2024, registered under Sections 407, 420, 468, 120-B IPC, at Police Station Sector-53, Gurugram, District Gurugram. His previous petition bearing No.CRM-M-15558-2025 has been dismissed by this Court vide order dated 19.05.2025.

2. The petitioner has been booked for commission of the aforementioned offences and is facing trial on the allegations that while working as a Senior Manager in Merchant Operations Team of One MobiKwik Systems Limited Company (for short 'the company'), he created forged, fabricated and fictitious order forms for merchant incentives and

uploaded the same in the dashboard without having the same verified from business development team and has siphoned of an approximate amount of Rs.48 lakhs by crediting the same into wallets of atleast 15 individuals including e-wallets owned by him and his father, in a deliberate and calculative manner and had caused severe financial loss to the complainant and other victims. He is in custody since 21.09.2024. The previous petition as filed by him was dismissed by this Court by making the following observations:

“The petitioner who was posted as a Senior Manager in the complainant Company and was holding a fiduciary position, is alleged to have committed the offences of cheating and breach of trust by manipulating the accounts of the Company and by causing financial loss to the tune of huge amount of money. He was the mastermind of the crime. His case cannot be stated to be at parity with the case of the co-accused who have been extended benefit of bail. It is well settled proposition of law that while deciding bail applications, gravity of the allegations is an important criteria for denial/grant of bail. Keeping in view the nature of the allegations as levelled against the petitioner which amount to committing of an economic offence in a calculated and deliberate manner for having personal gains, this Court is of the considered opinion that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition is dismissed.”

3. It is argued by learned counsel for the petitioner that the circumstances have changed after the decision of his previous petition for grant of bail and now the matter has been settled between the parties and a settlement/agreement has also been executed. He is in custody since long. His further incarceration would not serve any useful purpose. Six of the persons nominated as accused have been extended benefit of bail by police itself. No evidence has been collected against him to show his complicity in the subject crime. The trial will take considerable time to conclude. He has a

permanent abode. There are no chances of his absconding. The entire case is based on documentary evidence. It is, therefore, argued that the petitioner deserves to be extended the benefit of on bail.

4. Status report has been filed. It is argued by learned State counsel that previous petition of the petitioner was dismissed on merits and no new ground for allowing the petition is made out. Hence, it is urged that he does not deserve to be extended the benefit of bail.

6. Learned counsel for the complainant, however submitted that most of the amount of money as taken by the petitioner from the complainant has been returned in pursuance of settlement arrived at between them and the complainant has no objection if the petition is allowed.

7. I have heard rival submissions made by learned counsel for the parties.

8. The petitioner is in custody since 21.09.2024. His previous petition has been dismissed vide order dated 19.05.2025. The subject offences are triable by Magistrate. Though, much relevance cannot be given to the factum of any compromise having been arrived at between the parties, however, keeping in view the period of incarceration of the petitioner, coupled with the fact that he has returned an amount of Rs.65 lakhs to the complainant, I am of the considered opinion that he can be extended benefit of bail at this stage. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. He shall appear before the SHO of the concerned Police Station once on the first Monday of

every month. He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card, if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number(s) takes place, then he shall inform about the same to the learned trial Court in advance.

9. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

11. This order shall come into force from the date it is uploaded on this Court's official webpage.

04.08.2025*harjeet***(MANISHA BATRA)
JUDGE**

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