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

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CRM-M-36711-2025 (O&M)
Date of decision: 15.07.2025

Hemant Bhatt**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Apoorv Garg, Addl. A. G., Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 311 dated 23.10.2024, registered under Sections 318(4) and 61(2) of Bharatiya Nyaya Sanhita, 2023 at Police Station Cyber Crime East, Gurugram.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on a written complaint filed by the petitioner himself, who was subsequently, arrayed as an accused in this case. It was alleged in his complaint that on 15.07.2024, he had appointed one Harsh Patel as Accountant of his company FRV Oils India. His company was operating a current bank account with ICICI Bank and the credentials of the said account were given to Harsh Patel for carrying out online transaction. The mobile number registered with the said bank account was also given to him for the purpose of receiving OTPs during transactions. However, he misused the bank account of the company for various fraudulent

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cyber transactions amounting to about Rs. 1 crore. Consequently, on 04.08.2024, the petitioner was informed by the bank concerned about such fraudulent transactions and the complaints received thereof. The bank account was frozen to avoid any further transactions. On this complaint made by the petitioner, the present FIR has been registered. Investigation proceedings have been initiated and the same are underway. During the course of investigation, above named Harsh Patel and one Mayank were arrested on 16.05.2025. Upon interrogation, they disclosed that the present petitioner along with co-accused Sunil Verma, Pankaj and Rutul were involved in commission of subject crime. The petitioner was found to be in custody in some other FIR in Central Jail Firozpur, Punjab. His production warrants were issued but the same could not be executed as he was released by the jail authorities. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Gurugram but the same had been dismissed, vide order dated 26.06.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He is in fact the complainant of the case but has been made an accused without there being any incriminating material against him. The prosecution has heavily relied upon the disclosure statements of the co-accused, which otherwise is not admissible in evidence. He had employed co-accused Harsh Patel as Accountant in his company, who has betrayed the petitioner and committed fraudulent transactions in the current bank account of the company. So far as the transfer of amount by him into the account of the petitioner is concerned, he had taken a financial help of Rs.1.5 Lakh from the petitioner, which he had repaid in parts much before the

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date of alleged fraudulent transactions. However, learned Additional Sessions Judge had ignored this fact. It is further argued that no recovery is to be effected from him. He is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Per contra, learned Additional Advocate General, Haryana, who has advance notice of the petition and is ready to argue the matter, has submitted that the petitioner is not entitled to get benefit of anticipatory bail as there are serious allegation against him. He along with co-accused has duped innocent persons of their money while using current bank account of his company. Several complaints have been received from the victims regarding frauds played with them. In view thereof, custodial interrogation of the petitioner is must for proper investigation in the matter. No sparing or extraordinary circumstance has been made out for grant of pre-arrest bail to the petitioner. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is alleged to have hatched a criminal conspiracy with the co-accused and is further alleged to have duped innocent persons of their money by committing fraudulent transactions with the current bank account of his company. Co-accused Harsh Patel and Mayank have duly nominated him as the mastermind of the subject crime. He had received amounts of money into his account from co-accused Harsh Patel. The claim of the petitioner that he had advanced some financial help to co-accused Harsh Patel and had received part payments against said loan is a disputed question

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of facts, which cannot be looked into at this stage. The allegations against him are quite serious. No sparing or extraordinary circumstance has been made out in his favour for grant of pre-arrest bail. Rather, his custodial interrogation is required for conducting proper investigation in the matter. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

15.07.2025
Waseem Anwar

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No