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

CRM-M No.38031 of 2025
Date of Decision: 16.09.2025
Reserved on: 10.09.2025

Onkar Yadav ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vijay Kumar Jindal, Senior Advocate with
Mr. Akshay Jindal, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

***

MANISHA BATRA, J.

1. Prayer in this petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) has been made for grant of regular bail in case arising out of FIR No.0001 dated 01.01.2025 registered under Sections 406 and 420 of IPC (Sections 201, 506 and 120-B of IPC and Sections 43, 66D, 66E and 72A of Information Technology Act, 2000 added later on) at Police Station Udyog Vihar, District Gurugram, on the basis of a complaint moved by the complainant Ankur Rao alleging that his sister Pooja Yadav had applied for appointment to the post of Assistant Professor in Delhi University in the

year 2023. She had appeared for interview but could not clear the same. Her result was declared on 12.10.2023. The petitioner who was acquainted with him and knew that his sister had applied for post of Assistant Professor, came to the house of the complainant on 15.10.2023 and after asking about the result, represented to the complainant that he knew some officers posted at high ranks in Delhi University and could get his sister appointed. Thereafter, he introduced him with the co-accused Sandeep Kumar who allured the complainant by saying that he had got several persons appointed to the above. He raised demand of a sum of Rs.35 lakhs for the purpose of such appointment. The deal was struck for a sum of Rs.32 lakhs.

2. As further alleged, the complainant initially transferred an amount of Rs.15 lakhs in the bank accounts of the petitioner and the co-accused. An amount of Rs.5 lakhs was to be given to them after receipt of e-mail for appearance in interview. His sister had received two e-mails purported to be issued by Delhi University and was called in the campus for her interview on 10.01.2024. In the first week of January, 2024, the petitioner and the co-accused told her due to some reason, the interview had been postponed and she would be receiving fresh e-mail. In the meanwhile, the petitioner and the co-accused had extracted a total sum of Rs.26 lakhs from the complainant. Subsequently, he came to know that the petitioner and the co-accused had cheated him and duped him of the aforementioned amount. He asked the petitioner and the co-accused to give back his money but in vain.

3. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 01.01.2025 and was joined into investigation. The co-accused was also arrested. On interrogation, the petitioner suffered disclosure statement admitting his involvement in the crime. Certain other persons were also nominated as accused. 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. There is inordinate delay in registration of the FIR as the incident took place in the year 2023 but the FIR was lodged in January 2025. No explanation has been given for this delay. The petitioner had only introduced the complainant with the co-accused Sandeep Kumar. The ingredients for commission of subject offences had not been attracted as against him. There is nothing on record to show that he is beneficiary of the transaction or had any wrongful gain. The trial will take considerable time. His further incarceration would not serve any useful purpose. He has clean antecedents. With these broad submissions, he has urged that he deserves to be released on bail.

5. Status report has been filed. While refuting the contentions as raised by the petitioner's counsel, it is argued by learned Deputy Advocate General, Haryana that the allegations against the petitioner are serious in nature. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. An amount of Rs.86,000/- was transferred in his bank account by the co-accused which shows his complicity in the crime. It

is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance of the same, he is alleged to have duped the complainant of a sum of Rs.26 lakhs on the premise of securing a job to the post of Assistant Professor in Delhi University for his sister. No transaction of money is, however, shown to be made in the bank account of the petitioner. He is in custody since 01.01.2025. The trial is likely to take time. The subject offences are triable by Magistrate. There is no basis for the contention that he may commit similar offence or may abscond. Keeping in view the period spent by the petitioner in custody, his clean antecedents and the above discussed facts and circumstances, this Court is of the opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

16.09.2025
manju

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