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

CRM-M-47969-2024 (O&M)

Date of decision : 15.05.2025

Vikas Sharma

..Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manish Soni, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

Mr. Ravinder Bangar, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short, 'the B.N.S.S.') has been
filed for grant of pre-arrest bail to the petitioner in FIR No.184 dated
04.07.2024, under Section 420 of the Indian Penal Code, 1860 (for
short 'IPC'), registered at Police Station Cyber West, District
Gurugram.

(2) In compliance of order dated 30.04.2025, petitioner has
produced original letter of appointment dated 11.12.2019 along with
bank statement and the same is taken on record as mark 'X' (colly.).

Registry to do the needful.



(3) Allegations are that petitioner along with his co-accused Sriyansh cheated *de facto* complainant to the tune of Rs.40 Lakh on the pretext of investment in share market.

(4) Learned counsel contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 24.09.2024 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.

(5) Learned State counsel, on instructions from the quarter concerned, acknowledged the above factual position, and submits that as on today, custodial interrogation of the petitioner is not required.

(6) On the other hand, learned counsel for the complainant vehemently opposed the prayer of petitioner while submitting that he has not refunded the alleged money despite repeated asking; thus cheated the complainant.

(7) Heard learned Counsel for the parties and perused the paper-book.

(8) It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 24.09.2024 and the order reads as under:-

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.184, dated 4.7.2024 at Police Station Cyber West, District Gurugram, under Section 420 of Indian Penal Code.

The FIR was lodged at the instance of Harish Chandra, wherein it is alleged that he had been defrauded by Vikas Sharma and Sriyansh Sharma to the tune of



Rs.40 lakhs, who had held out promises of hefty profits on the investments as may be made by the complainant. The complainant has alleged that he had transferred an amount of Rs.40 lakhs from his bank account in ICICI bank to the bank account of Vikas Sharma. However, neither any amount towards profit was given to him nor his investment amount was returned.

Learned counsel for the petitioner submitted that the complainant has suppressed material information in the FIR inasmuch as the petitioner had been working for the firm of complainant – Harish Chandra by the name ‘Advio Global Private Limited’ since December, 2019. It has been submitted that the petitioner had been working as a Senior Operation Manager to look after the construction work carried out by the firm of complainant at Ramgarh, Uttarakhand and that an amount of more than Rs.20 lakhs is outstanding to be paid by the complainant to the petitioner towards his salary etc. and in order to avoid payment of the same, the complainant has lodged the instant FIR.

Learned counsel for the petitioner further submitted that on a previous occasion, the complainant had come out with another version by way of filing a complaint against the petitioner, wherein it was alleged that the petitioner had committed a property fraud with him, but the police inquired about the same and filed the said complaint and that subsequently the present FIR came to be lodged.

Notice of motion for 3.2.2025.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do



so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

(9) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

(10) In view of the above, plea raised by learned counsel for complainant would not be acceptable for the reason that State is not asking for custodial interrogation of petitioner; and moreover, from perusal of original appointment letter dated 11.12.2019, *prima facie*, it is discernible that petitioner was the employee of *de facto* complainant.

(11) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner.

(12) Consequently, present petition is allowed; interim order dated 24.09.2024 is made absolute subject to the conditions as envisaged under Section 482(2) of the BNSS.

(13) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(14) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(15) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.



Pending application(s), if any, shall also stand disposed off.

15.05.2025
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No