IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:175575

CRM-M-50692-2025 (O&M)

Yogesh Sharma ... Petitioner

Vs.

State of Haryana ... Respondent

1.	The date when the judgment is reserved	01.12.2025
2.	The date when the judgment is pronounced	17.12.2025
3.	The date when the judgment is uploaded on the website	17.12.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Hooda, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Mr. Jagdish Manchanda, Sr. Advocate with
Mr. Nischal Chetanya Manchanda, Advocate,
Mr. Dinesh Chaudhary, Advocate and
Er. Vikram Singh, Advocate for the complainant.

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MANISHA BATRA, J (ORAL)

The present one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of

FIR No.38 dated 31.01.2025, registered under Sections 308(2), 318(4), 319, 336(3), 338, 340 of the BNS (Sections 61(2), 3(5), 241 of the BNS and Sections 66C, 66D of the Information Technology Act were added later on), at Police Station Cyber Crime, West Gurugram, District Gurugram. His previous petition bearing No.CRM-M23352-2025 was dismissed as withdrawn vide order dated 26.05.2025.

2. The aforementioned FIR was registered on the basis of complaint lodged by complainant Dr. Anita, a retired Principal alleging that on the evening of 03.01.2025, she had received a call on her cell phone. The caller told her that several complaints were registered against her for violation of illegal advertisements and sending harassing messages and an FIR was registered against her. She was also informed that three cell phone numbers, which she was using, would be blocked within short time. She also started receiving video calls from different numbers on her whatsApp and the callers told her that a bank account had been opened by her in favour of a person, who was accused of money laundering and committing frauds and she would be sent to jail for 14 years. She was forbidden from disclosing these facts to her family members under the threat that they would also be put to jail and their bank accounts would be frozen and that they would be mentally and physically tortured. She was forced to transfer a total amount of Rs.3,03,00,000/- from her bank accounts to different bank accounts, the numbers of which were disclosed by the callers. She was kept under virtual digital arrest till the transfer of the above said amount and was not even made to leave her room. She was made scared of her life. Last video call was made to her on 31.01.2025, whereby threats were again extended to her.

3. During the course of investigation, it was found that an amount of Rs.62 lakhs was transferred from the account of the complainant to the account of one M/s Param Enterprises and an amount of Rs.9,95,041/- was transferred in the account managed by the present petitioner. He was joined into investigation and was arrested on 03.02.2025. He suffered disclosure statement to the effect that on asking of co-accused Rahul, he had given his bank account details to him and then as per instructions of co-accused Rahul, he had withdrawn an amount of Rs.9,90,000/- through cheque and has handed over the same to the said Rahul after keeping commission of Rs.5000/-. Co-accused Rahul was nominated as such and was subsequently arrested. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, co-accused Rahul had got transferred the amount of Rs.9,90,000/- in his bank account on the pretext that his own bank account was not functioning due to some technical problem and he had to get his payment from a company and on the premise that he immediately needed money for medical expenses of some near relative. He had given details of his bank account to the accused Rahul in innocence and had handed over money in cash to him. An amount of Rs.5000/- was kept in his bank account by Rahul on the ground that the same would be needed as tax liability. He is in custody since 03.02.2025. The trial will take considerable time to conclude. He has clean antecedents. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

5. Status report has been filed. Learned State counsel assisted by

learned counsel for the complainant has argued that there are serious allegations against the petitioner and prove his prima facie participation in the crime. He in connivance with the co-accused had duped the complainant of huge amount of money. There are chances of his absconding , intimidating the witnesses or committing similar offences, if extended benefit of bail. It is, thus, urged that the petition does not deserve to be allowed.

6. I have heard rival submissions made by learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner along with the co-accused is alleged to have hatched a conspiracy to commit online fraud/cheating by inducing public persons to part with huge amount of money and in pursuance thereof, co-accused by extending threats to the complainant had caused wrongful loss to the tune of Rs.3,03,00,000/- to her by making her transfer this much amount in different bank accounts. The allegations reveal active and prima facie participation of the petitioner in the crime. The allegations against the petitioner are serious in nature. Such like cases are on rise and everyday one hears about innocent public persons being duped of their hard earned money. The apprehension raised by the respondent that he may commit similar offences or abscond cannot be stated to be unfounded at this stage. The previous petition as filed by the petitioner has been dismissed as withdrawn vide order dated 26.05.2025, obviously apprehending that the same was to be dismissed. The petitioner has failed to point out any new or substantive change in the circumstances. As such, keeping in view the nature of the

allegations as levelled against the petitioner, quantum of sentence which the conviction may entail and the attendant facts, but without meaning to make any comment on the merits of the case lest they prejudice the trial in any manner, this Court is of the opinion that the petitioner does not deserve to be released on bail. Accordingly, this petition is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

17.12.2025
harjeet

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