



CRM-M-52665-2025 -1-

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

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CRM-M-52665-2025
Date of decision: 12.12.2025

SAMEER KUMAR JHA

... Petitioner

Versus

STATE OF HARYANA

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Shashank Shekhar Jha, Advocate
for the petitioner.

Mr. Karan Veer Singh, Sr. DAG, Haryana.

Mr. Ayush Gupta, Advocate for the complainant.

Subhas Mehla, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in case bearing FIR No.139 dated 22.05.2025 under Sections 408, 420, 467, 468, 471, 120-B IPC, registered at Police Station Sector-53, Gurugram, Haryana.
2. The facts of the present case are that on a complaint moved by the complainant, who is the authorized signatory of a company namely, A Works Design Pvt. Ltd, having its head office in South Korea, that the petitioner was appointed to look after the finance and accounts of the Company, and was given sole access to the company accounting tally software and was responsible to



look after the finance and accounts of the said Company. For carrying out the transactions on behalf of the Company, the petitioner used to send a payment advisory sheet from his email ID to the bank and thereupon, the bank was required to transfer funds to the account of beneficiary on the strength of the same. Although, initially the petitioner performed his duties sincerely however, later on, it was noticed that payment challans towards the money deposited by the Company towards the Provident Funds were not traceable. The company contacted M/s Jai Maa Associates and it was found that no payment has been made on the company's behalf since August, 2023. Thereafter, on checking the bank statement of its account, it was found that many fraudulent transactions had been made vide which huge funds had been transferred to various accounts, which required a thorough investigation. It was also found that petitioner in connivance with other persons, had siphoned off and had misappropriated company funds fraudulently to the tune of more than Rs.3.45 crores.

3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. It is further contended that a civil suit for recovery has already been filed before the trial Court. It is further contended that the petitioner has been in custody since 23.04.2025 and challan already stands presented on 22.07.2025, as such, no purpose would be served by keeping the petitioner behind the bars.

4. Learned counsel for the State opposed the grant of bail to the petitioner while submitting that as per the investigation conducted so far, the petitioner is the kingpin of a major misappropriation of funds to the tune of



Rs.3.34 crores. As per the allegations levelled against the petitioner, he acted in conspiracy with other co-accused person, and misused his position of Manager (Finance & Account) at the complainant company and siphoned off/misappropriated company funds by creating two fake firms/entities having similarities with the names of vendor companies of the complainant Company. Petitioner prepared forged bills/invoices in the names of fake firms and further transferred the amount due towards vendor companies into the fake accounts created. It is also submitted that other co-accused in the present case are yet to be arrested.

5. Heard.

6. As per the facts and circumstances of the present case and the fact that the petitioner had conspired with other co-accused person(s) while misusing his position of Manager (Finance & Account) at the complainant-Company and siphoned off/misappropriated a huge amount of company funds to the extent of more than Rs.3.45 crores. The main contention raised by the learned counsel for the petitioner in support of the prayer for regular bail is that the petitioner has remained in custody since 23.04.2025, i.e., for approximately eight months. While the period of incarceration is undoubtedly a relevant consideration while deciding a bail application, the same principles governing the grant of bail cannot be mechanically applied to cases involving economic offences.

7. While considering the grant of regular bail in cases involving economic offences, the Court is required to assess the likelihood of the accused



absconding, tampering with evidence, or influencing witnesses. Persons involved in economic offences are often resourceful and strategically placed to derail the course of investigation and prosecution. The greater the financial capacity of the accused and the magnitude of the amount involved, the stronger is the inference of active involvement in the commission of the offence, rendering the claim for regular bail less favorable.

8. Having regard to the magnitude of the amount involved and the organized and systematic nature of the alleged fraud; co-accused are yet to be arrested, this Court is of the considered view that the petitioner, if enlarged on bail, poses a substantial risk of tampering with the evidence, including by influencing or intimidating material witnesses. In view of these compelling circumstances, this Court finds no merit whatsoever in the present petition seeking regular bail. Accordingly, the same is dismissed.

9. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

(SUBHAS MEHLA)
JUDGE

December 12, 2025
Sonia Puri

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