

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:175583



CRM-M-51524-2025 (O&M)

Yash Sudhir

... 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. Piyush Mittal, 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.

...

MANISHA BATRA, J (ORAL)

The present petition has been 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.

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 abovesaid 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. Investigation proceedings were initiated. The details of the beneficiary accounts were obtained. It was revealed that an amount of Rs.63

lakhs was transferred from the account of the complainant to the account of one M/s Shiv Trading Company operated by accused Ram Gopal. An amount of Rs.75,000/- was transferred in the bank account in the name of M/s Nice Fiber operated by Ukrada Farukhbhai Musabhai and his wife Sehnaz. The above named persons were arrested. They suffered disclosure statement admitting their involvement in the crime. Accused Ukrada Farukhbhai Musabhai was arrested on 16.02.2025. He suffered disclosure statement on the basis of which the present petitioner had been nominated as accused, on the allegations that he had conspired with accused Ukrada Farukhbhai Musabhai to provide account to cyber fraudsters and in pursuance of the same, the latter opened an account in the name of M/s Nice Fibre and provided the same to the petitioner, who then provided the same to accused Rahul. His call detail record was also procured which revealed that he had made calls to the accused Ukrada Farukhbhai Musabhai. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. No money was received in any account belonging to him. There is no documentary proof or electronic record linking him with the subject crime. He is alleged to have provided the bank account details of co-accused Ukrada Farukhbhai Musabhai to the main accused. However, no allurement, threat or inducement has been attributed to him. He is a driver by profession and has no capacity to influence any witness. The entire prosecution case is based on documentary evidence, which is already in custody of the

Investigating Agency. Receipt of Rs.10,000/- in his bank account through Gpay cannot be termed to be an incriminating piece of evidence. He was not connected with the money trail even remotely. No recovery has been effected from him. The subject offences are triable by the Magistrate. He has clean antecedents. Trial will take considerable time to conclude. 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 his huge amount of money. There are chances of his absconding or intimidating the witnesses, 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.

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. 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