



CRM-M-56545-2025 -1-

(245) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56545-2025
Date of decision : 19.12.2025

MAYANK GAJANAND SHARMA

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. Jaiveer Singh, Advocate for the petitioner

Ms. Himani Arora, DAG, Haryana

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.311 dated 23.10.2024 registered under Sections 318 (4) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 66(d) of the Information and Technology (Amendment) Act, 2008 (added later on) registered at Police Station Cyber Crime, District Gurugram.

2. The aforementioned FIR was registered on the basis of a complaint filed by Hemant Bhatt, who was subsequently arraigned as an accused. It was alleged that his company M/s. FRV Oils India was operating a current bank account with ICICI Bank. Accused-Harsh Patel, who was working as Accountant in the Company had been given

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credentials of the above-said current bank account for the purpose of carrying out online transactions. The mobile phone number registered with the said bank account was also given to him for the purpose of receiving OTPs during transactions. By misusing the bank account of the company, accused-Harsh Patel had conducted several fraudulent online transactions amounting to Rs.1 crore. The complainant was informed about this fact on 04.08.2024 by the bank concerned and got the bank account frozen.

3. After registration of FIR, investigation proceedings were initiated. The accused-Harsh Patel was arrested on 17.05.2025. He suffered disclosure statement to the effect that the present petitioner was involved in sale/purchase of Mule Bank Accounts and USDT Trading and had disclosed to him that Hemant Bhatt (initially complainant) wanted to get some fraudulent transactions done through the bank account of his own company at Gurugram and offered a handsome commission to him. He disclosed that on asking of the present petitioner, he had gone to Gurugram and was given the details of bank account of the company as well as a mobile phone having SIM card of the Company. An application namely SMS Dragon was installed in the said mobile phone and money received by way of fraudulent transactions had then started crediting and debiting from the said account. He disclosed that he had never worked as an employee of accused-Hemant Bhatt and only in lieu of commission, had done some transactions. On his disclosure, the present petitioner was nominated as an accused. He was arrested on 16.05.2025. Even the complainant was nominated as such and was

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formally arrested, in this case. Investigation now stands completed and challan has been presented before the learned Trial Court.

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 was recorded after a delay of 07 months, which cannot be considered to be admissible in evidence. He was neither named in the FIR, nor any overt act had been attributed to him. He is not beneficiary of any transaction. No recovery has been effected from him. The subject offences are triable by Magistrate. Trial will take considerable time. His further incarceration would not serve any useful purpose. He does not have any criminal antecedents. It is thus, urged that he deserves to be released on bail.

5. Per contra, learned State Counsel while supporting the pleas as taken in the status report, has argued that there are serious and specific allegations against the petitioner, who had used mobile phone given by the co-accused Heamtn Bhatt for cyber frauds and had obtained commission of Rs.20,000 for that purpose. He was an active participant of the crime. There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by the learned counsel for the parties at considerable length.

7. The petitioner in conspiracy with the co-accused is alleged to have acted for duping innocent persons of their money by committing fraudulent transactions with the current bank account of M/s. FRV Oils

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India owned by the co-accused Hemant Bhatt for his wrongful gain by receiving commission. Though, the allegations prima facie make out a case for commission of subject offences by the petitioner, however, he is in custody since 16.05.2025. He is not required for further investigation since challan qua the petitioner has been presented. The trial will take obviously considerable time to conclude as even charges have not been framed. Taking into consideration the nature of the allegations as levelled against the petitioner, the part specifically attributed to him, the period spent by him in custody, his clean antecedents and the attendant facts and circumstances, this Court is of the considered opinion that the petitioner has made out a case for release of bail. Moreso, pre-trial incarceration of the petitioner is not required as it cannot be a replica of post-conviction sentencing. The well settled proposition of law is that bail is the rule and jail is an exception. Taking into consideration the above discussed facts but without meaning to make any comments on the merits of the case, the petitioner is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.

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(iii) he shall appear before the learned trial Court as and when directed.

(iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO as well as trial Court.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

(vi) he shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

19.12.2025
Amit Sharma

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