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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.63619 of 2024
Date of Decision: 05.02.2025
Reserved on: 28.01.2025

Gaurav Tyagi @ Gaurav Kumar ... Petitioner

Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vishal Sharma Haritwal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Yash Yadav, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
2392	13.12.2019	Shivaji Nagar, District Gurugram	306 and 34 of IPC (419, 420, 467, 468, 471, 120-B and 201 of IPC added later on)

2. As per the prosecution case, on 12.12.2019, on receipt of a message regarding commission of suicide by one Deep Chand, a police party had reached at the hospital and received a complaint from the complainant Om Prakash Khola, brother-in-law of the victim who alleged

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that the victim used to invest money in various Chit Fund Companies and substantial amount of money was deposited by him which was not being returned by the investors rather they had been harassing the victim and were responsible for commission of suicide by him. After registration of FIR, investigation proceedings were initiated. During investigation, a suicide note written by the victim along with certain receipts had been recovered showing that he had invested an amount of more than Rs.1,08,00,000/-. Out of this, an amount of Rs.23 lakhs was deposited in the bank account of one Mubin Rizwi who was joined into investigation and disclosed that his son Khan Kharik Badar was dealing with the said account. The said Khan Kharik Badar was also joined into investigation. He was interrogated and disclosed that he in connivance with the co-accused had been collecting money and was transferring in different accounts. Subsequently, the co-accused Amit Kumar and Pravesh Pathak were also arrested. The petitioner was nominated as an accused as it was revealed that by impersonating him as one Sharma he had extracted money from the victim. His voice recordings were also collected. Offences under Sections 419 and 201 of IPC were added. It was revealed that the petitioner along with co-accused Amit Kumar, Pravesh Pathak and Neeraj Kumar were impersonating themselves with other names and used to make phone calls to the victim and extract money from him and in this manner, he had received a sum of Rs.25-30 lakhs from the victim. The victim was pressurized for making payment of more money and was compelled to commit suicide. Investigation has since been concluded.

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been falsely implicated in this case. He never instigated the victim to commit suicide nor any document has been fabricated or forged by him. He is not proved to be beneficiary of the alleged amount of money extracted from the victim. No amount of money has been transferred to his bank account. He has been nominated in this case on the basis of disclosure statement which cannot be considered to be admissible in evidence. The co-accused have already been extended benefit of bail. The investigation and trial are likely to take time. His further detention would not serve any useful purpose. Therefore, it was urged that he deserves to be extended benefit of bail.

4. Status report has already been filed by the respondent-State. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant had argued that there are serious allegations against the petitioner who hatched a conspiracy with the co-accused to defraud and cheat public persons and in pursuance of that criminal conspiracy, they had prepared a data containing details of the persons who had obtained insurance policies and wanted their money back. They had created fabricated bank accounts and then make calls to the public persons. They had induced the victim to invest money in the insurance policy on the pretext of fetching handsome profits and had extracted a sum of more than Rs.1 crore from him. Thereafter, they had usurped that money thereby compelling the victim to end his life. The victim left a suicide note. The material witnesses are yet to be examined. There are chances of petitioner's absconding if extended benefit of bail. The petitioner has criminal antecedents as he is involved in

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one more case of similar nature. Therefore, it was urged that he does not deserves to be extended benefit of bail.

5. Learned counsel for both the parties were heard at considerable length.

6. The petitioner by hatching a conspiracy with the co-accused is alleged to have defrauded and cheated innocent persons by inducing them to invest huge amounts of money. He is also alleged to have impersonated him with some other persons and made calls to the victim for the purpose of such inducement. The victim had died a suicidal death. On going through the allegations levelled against the petitioner, it is, however, a debatable question as to whether he had committed offence punishable under Section 306 of IPC and had abetted the suicide of the victim. This question can be decided only on thorough assessment of the evidence to be produced at the trial. However, so far as the remaining allegations against him are concerned, the petitioner is alleged to have destroyed his own cell number which were claimed to have been used for the purpose of commission of subject offences. He is alleged to have admitted his voice in the voice recordings of the calls made to the victim. As per the allegations, he used to impersonate himself as one Sharma and made calls to the victim thereby insisting him to make payment of money. He is also alleged to have received a sum of Rs.25-30 lakhs from the victim. These allegations are quite serious in nature. The petitioner has criminal antecedents. The material witnesses are yet to be examined. A reasonable apprehension has been expressed that

the petitioner may abscond. In view of the above discussed facts and

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circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

05.02.2025
Parveen Sharma

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No