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

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**CRM-M-3910-2017 (O&M)
Decided on: 12.03.2026**

ARYAN @ SUNIL KUMAR**.....Petitioner****Versus****STATE OF HARYANA AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Lovejeet Poonia, Advocate for
Mr. P.S. Ahluwalia, Senior Advocate
for the petitioner.

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

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No.188 dated 30.06.2014 registered under Sections 406/ 420 IPC at Police Station Sector-18, District Gurgaon (Annexure P-1) and all proceedings arising therefrom including order of charge dated 23.09.2016.

2. Brief facts of the case are that as per FIR the complainants are engineering graduates (BE/B-Tech, MCA) who were targeted by accused namely Rajbir, Himanshu, Ashok and Ms. Ritu @ Muskan posing as authorized consultants of company namely, Infotech Software Services Co. The accused falsely claimed the company was affiliated with a major American corporation to induce the graduates into joining the above-said Company for a remuneration of Rs.20,000/- to 25,000/- per month. However, the company failed to pay the promised remuneration.

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However, specific instances include one employee (Vishal Kumar) receiving only Rs. 5,000 total over six months, and others receiving only Rs. 8,000 over five months and the Company is now closed w.e.f. 27.06.2014. The accused allegedly conspired to dupe money from the graduates under the guise of employment.

3. Learned counsel for the petitioner contended that the petitioner is one of the Directors of Infotech Software Services(a venture of software and networking), which is a partnership firm and registered with Central board of Excise and Customs, Ministry of Finance, Department of Revenue. The complainant-employees have colluded and indulged in abuse of process of law by concocting the complaint while implicating petitioner and his firm in a false criminal prosecution. From the bare perusal of the FIR, it is quite clear that complainants/employees were already working in the company but due to the deficient and inefficient working of complainants employed for the work assigned to them, they were terminated from their services on different dates; as per impugned FIR it is alleged that complainants/employees paid amount to certain persons alleging them to be authorized agent/consultant of Company and said amount was paid as a commission to get the job in the firm in question, whereas none of the alleged person is either authorized agent/consultant of company nor employee of the company.

4. On the other hand, learned counsel for the State contended that during the course of investigation, the petitioner was joined in the investigation on 01.11.2015 when he was formally arrested and released

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on furnishing bail and surety bonds. After completing the investigation, the challan against the petitioner was submitted before the trial Court on 17.11.2015 and charges against the petitioner were framed on 23.09.2016. Learned counsel further submitted that the trial is pending before the trial Court for awaiting orders of this Hon'ble High Court, as the same has been stayed vide order dated 19.03.2019 by Coordinate Bench of this Court.

5. Learned State counsel further submitted that during the course of investigation, the alleged accused namely Himanshu told that he runs the business of Tour and Travels at Manali and never worked with the Infotech company. Another alleged accused Sonia Sharma told that she is housewife and not travelled anywhere as alleged; Aman Sharma told that he has never travelled to Gurugram; Ritu @ Muskaan told that in the year 2014 she was 16 years old and never visited Gurugram as she was studying at that time; Mukesh Dayal Sharma told that he has studied upto class 7th and is running the shop of electrical goods and has never worked with the private company. He further stated that Sonia is his niece (bhanji), Himanshu and Aman Sharma are his nephews (bhanja) and Muskaan is his niece (bhatiji). It is further submitted that the record pertaining to bank account of the company was obtained wherein it was found that the amount of Rs. 5 Lakhs was taken in cash from 10 persons and the amount of Rs. 15,000/- each (total Rs. 3,60,000/-) was obtained through DD from 24 persons. The said amount has been found to be deposited in the account of the company and the same is maintained by the petitioner.

6. Heard.

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7. Keeping in view the facts and circumstances of the present case and the rival contentions raised by learned counsel for the parties, and the fact that the material/evidence which is placed before this Court was not available before the trial Court at the time of framing of charges, the impugned order dated 23.09.2016 is hereby set aside and the trial Court shall pass a fresh order after taking into consideration incriminating material, alongwith the material collected by the Investigating Agency during the pendency of this petition in form of replies filed by the State in the present petition. Further, the State is directed to file supplementary report under Section 173(8) of Cr.P.C. which shall also be considered by the trial Court while considering whether evidence produced by investigating agency is sufficient to frame charges. It is further directed that the trial Court shall frame charges after giving an opportunity of being heard to both the parties, and pass a speaking order while framing charge. The petitioner is at liberty to take all his pleas taken in the present petition, before the trial Court at the time of framing of charges.

8. The petition stands disposed of.

(SUBHAS MEHLA)
JUDGE

March 12, 2026
Sonia Puri