

2026.PHHC.036569



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

139

CRM-M-59894-2025 (O & M)

Date of decision: 10.03.2026

HARDIK NAIN

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Ishita Arora, Advocate,
for the petitioner.

Mr. B.S.Saroha, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.344 dated 21.08.2025 registered under Sections 318(4), 61 of BNSS 2023, Sections 66, 66-C, 66-D and 75 of the Information Technology Act, 2000 and Section 42(3) of the Telecommunication Act, 2023 at Chandimandir, District Panchkula, Haryana.

2. On 27.10.2025, this Court had passed the following order:

“1. This is first petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita 2023 for granting concession of anticipatory bail to the petitioner in case FIR No.344 dated 21.08.2025 registered under Sections 318(4), 61 of BNSS 2023, Sections 66, 66-C, 66-D and 75 of the Information Technology Act, 2000 and Section 42(3) of the Telecommunication Act, 2023 at Chandimandir, District Panchkula, Haryana.

2. Brief facts of the prosecution case are that PSI Vijender Kumar was present in the Police Station Chandimandir, Panchkula, when he received secret information from MHC and he was asked to reach Plot

No.7 near IT Park and meet SHO, Cyber Crime Branch and his team. Thereafter, PSI Vijender Kumar along with other police officials reached the disclosed place. The SHO, Cyber Crime, Panchkula informed him that three fake call centres were operating at different locations in IT Park, Panchkula out of which one is situated in Plot No.9, First Floor, TBM, DHL Square, IT Park, Panchkula which is running without any authorisation. A fraudulent call centre is being run there which contacts US citizens under the pretext of providing customer service for spectrum, AT&T, Xfinity and Century Link and they deceive US citizens by offering false technical assistance and cheat them of the amounts ranging from 100 to 500 U.S dollars. In case, raid is conducted, the persons who are operating the fake call centres can be apprehended. Thereafter, three raiding parties were formed and a raid was conducted after obtaining search warrants from Commissioner of Police, Panchkula. Upon entering the office, 11 boys and 2 girls were found sitting on chairs working on desktop computers wearing earphones/ headphones and were talking in English language through Micsip-8001 Dialer thereby cheating foreign nationals whose photographs were clicked. All those boys and girls were apprehended who disclosed their names as Daniel David, Livon, Rasul Dawood, Sankhil, Abnezer, Priyansh, Romen Kumar, Brightson, Jangvei, Harsimran Kaur, Manish and Daniel David.

3. During investigation, statement of accused Daniel David was recorded who disclosed that they were working on the instructions of Hardik - petitioner, who pays them salaries. The plot has been taken on rent by said Hardik but he does not know his full name and address. He also disclosed that there are four partners in the Company, namely, Aarif Sheikh, Akil Sheikh, Hardik and Koshik. They all listen to calls received on the toll-free numbers through the Micsip-8001 Dialer under the pretext of providing customer service and provide technical assistance to resolve problems related to Spectrum, AT&T, Xfinity and Century Link services. When customers in USA call the toll-free numbers of Spectrum, AT&T, Xfinity or Century Link, the calls are connected to them via call vendors and blockers and when customers explain their problem, they attempt to solve the issues and also save the related data on their desktops. They were not aware that data saved on the desktops was being remotely accessed by Aarif Sheikh, Akil Sheikh, Hardik and Kaushik and they then used the stolen data to defraud customers by obtaining payments ranging from USD 100 to USD 500 through gift cards and larger amounts through online gift cards. Apprehending arrest, petitioner applied for anticipatory bail which has been rejected.

4. Upon notice, learned State counsel has appeared. Learned counsel for both the parties have been heard and the material placed on record has been perused.

5. Learned counsel for petitioner argued that the petitioner has been falsely implicated on the basis of disclosure statement suffered by co-accused David, which is not admissible in evidence. Learned counsel further contended that the police in its reply before the trial Court had alleged that the rent agreement of the premises where the fake call centre was being run is in the name of accused Hardik and Daniel David is an attesting witness and that rent of this office was paid from the bank account of accused Hardik. Learned counsel contended that the building was now being operated by its owner and rent note in favour of petitioner had expired in March, 2025 and thereafter he has no concern with the premises and no rent has been paid by him as he had already vacated the same. Learned counsel further contended that police also resisted the grant of bail on the ground that he had taken data from the fake call centres into his mobile phone and laptop which is required to be retrieved from these devices and petitioner is ready to hand over his mobile phone and laptop to the police for further investigation of the case. He is ready to join the investigation and to abide by the conditions that may be imposed by the Court and he may be released on anticipatory bail. In support of his contentions, learned counsel has placed reliance upon Law Finder Doc Id # 1241666 – **Mr. Naved Yar Khan Vs. Mr. Haroon Yusuf**, and judgment dated 28.02.2025 passed by Hon'ble Court in Criminal Appeals arising out of SLP (Crl.) No.354 of 2019 and SLP (Crl.) No.2812 of 2019 – **Pradip N. Sharma Vs. State of Gujarat & Another**.

6. On the other hand, learned State Counsel opposed the bail on the ground that the custodial interrogation of the petitioner is essential to unearth the entire modus operandi of the accused in running the fake call centre and he does not deserve concession of anticipatory bail.

7. The case was registered on the basis of raid conducted on the basis of secret information but there was no complaint of cheating by anyone. Petitioner has offered to hand over his mobile phone and laptop which is required for further investigation. As per his version, he had surrendered the tenancy rights after March, 2025 and building was now in the occupation of the owner himself and he has not paid any rent after March, 2025 whereas the FIR in question has been registered in August, 2025. As such, it will be a debatable question as to whether petitioner was in occupation of the premises and was running the call centre or not. He was also not found present at the spot when the raid was conducted and he has been nominated as

an accused in the disclosure statement suffered by accused Daniel David.

8. Adjourned to 11.12.2025 for filing status report.

9. Meanwhile, the petitioner is directed to join the investigation and in the event of his arrest, he shall be admitted to ad-interim bail on furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer, subject to the following conditions as envisaged under Section 482(2) of the BNSS [erstwhile Section 438(2) Cr.P.C.]:-

- i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave India without the prior permission of the Court;
- iv) such other condition as may be imposed under subsection (3) of Section 480, as if the bail were granted under that section.”

3. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also handed over his mobile phone and laptop and fully cooperated with the investigating agency. She further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

4. Learned State counsel on instructions from PSI Tejinder Pal Singh, affirms the factum of joining the investigation by the petitioner on 28.11.2025 and 01.12.2025 and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

5. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 27.10.2025 granting interim bail to him, is

hereby made absolute, subject to compliance of conditions as specified under Section 482(2) of BNSS, 2023.

6. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

10.03.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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