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

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**CRM-M No.15558 of 2025
Date of Decision: 19.05.2025**

Gaurav Sharma ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
for the respondent-State.

Mr. Gaurav Chopra, Sr. Advocate,
with Mr. Rishabh Bajaj, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

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
248	18.09.2024	Sector-53, Gurugram, District Gurugram	407, 420, 468 and 120-B of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on a complaint lodged by Rajat Goel, authorized representative of one Mobikwik Systems Limited Company (For short “Company”) which was engaged in enhancing financial inclusion in the digitized economy and through a

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mobile based platform under the name and style of Mobikwik Application, was operating a mobile payments network connecting users with retailers. It gave incentives to the mediators. It was alleged that the present petitioner who joined the Company on 17.04.2023 and was working in merchant operations team as a Senior Manager and who was responsible for crediting the incentives payable to merchants, had created forged, fabricated and fictitious order forms for merchants incentives and uploaded the same to the dashboard without having the same verified from the business development team and had siphoned off an approximate amount of Rs.48 lakhs by crediting the same into the wallets of at least 15 individuals including e-wallets owned by him and his father, in a deliberate and calculative manner and by putting wrong mobile numbers and had thereby caused severe financial loss. Legal action was sought against him. He was arrested on 21.09.2024. He was interrogated and suffered disclosure statement admitting his involvement in the crime and got recovered one laptop used in the crime, Airtel Xtreme Broadband and cash amount of Rs.1.15 lakhs. Offence under Section 120-B of IPC was added. On his disclosure, he nominated the accused Shahbad Khan, who was arrested on 11.10.2024 and he too suffered a disclosure statement admitting his involvement and got recovered an amount of Rs.2,15,000/- received as commission from the petitioner and one mobile phone. Other accused were also arrested. The investigation now stands concluded and the petitioner along with the co-accused is facing trial for the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has

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been falsely implicated in this case and has been made a scapegoat in a corporate dispute having transactional discrepancies within the digital financial system of the Company itself. All the other persons named as accused have been extended benefit of bail. His responsibilities were restricted to processing merchant incentives only and he merely performed his assigned duties. He had no independent authority to execute financial transaction. The entire transaction of the Company was automated and conducted through its internal system which involve multiple layers of verification beyond the direct control of the petitioner. There was no occasion for the petitioner to have access to the company's proprietary dashboard and misuse it to divert funds. The case is based on documentary evidence. Investigation has been concluded. Challan has been presented. The subject offenses are triable by Magistrate. His further incarceration would not serve any useful purpose. On parity also, he too deserves to be given benefit of bail. With these broad submissions, it is argued that he deserves to be released on bail.

4. Status report has been filed. Learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner who by taking advantage of his position in the Company and by misusing the trust reposed upon him, had duped the Company of a huge amount of money. He had also cheated the merchants of the company. He was holding a fiduciary position and it was his duty to protect the right of the persons involved with the Company but misused that trust. The allegations against him are quite grave

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in nature. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. Accordingly, it is urged that he does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner who was posted as a Senior Manager in the complainant Company and was holding a fiduciary position, is alleged to have committed the offences of cheating and breach of trust by manipulating the accounts of the Company and by causing financial loss to the tune of huge amount of money. He was the mastermind of the crime. His case cannot be stated to be at parity with the case of the co-accused who have been extended benefit of bail. It is well settled proposition of law that while deciding bail applications, gravity of the allegations is an important criteria for denial/grant of bail. Keeping in view the nature of the allegations as levelled against the petitioner which amount to committing of an economic offence in a calculated and deliberate manner for having personal gains, this Court is of the considered opinion that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition is dismissed.

7 It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

19.05.2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No