



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

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CRM-M-20729-2026(O&M)

Date of decision: 21.04.2026

Randhir Singh

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Jitender Singh Kundu, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of case bearing FIR No.320 dated 30.07.2024 registered under Section 406, 420 & 120-B Indian Penal Code, 1860 [now Sections 61(2), 316(2) & 318(4) of the Bharatiya Nyaya Sanhita, 2023] at Police Station Gannaur, District Sonipat along with all consequential proceedings arising therefrom.

2. Learned counsel appearing on behalf of the petitioner contends that the present FIR was registered by the respondent No.2 against 03 persons namely Subhash Saini, Mohit Sharma and Yuvraj Saini alleging that the said 03 accused persons, with malafide intention of committing fraud, allured him to invest money in the foreign exchange trade and in furtherance thereto, respondent No.2 transferred a sum of Rs.60,94,900/- in the accounts of said 03 accused persons. Alleging that the said persons were operating a fake company in the name of FXONENESS and used the same as a front for alluring innocent people and duping them of their hard-earned money. He contends that at the time of investing money, the name of the MD was told as Wazir Singh but later it transpired that his real name is Ved Parkash son



of Ram Kishan. Counsel contends that the details of the amounts as have been invested by the respondent No.2, has been set out in the investigation and that the said transfers are into the account of the named three persons themselves.

3. Post completion of the investigation, the chargesheet had been filed against 02 persons namely Subhash Saini and Mohit Sharma in the month of December, 2025, however, later petitioner was arrested on 16.02.2026 after obtaining the production warrants whereas the petitioner was neither named in the FIR nor was any role attributed to him. He thus contends that the petitioner has been falsely implicated and seeks quashing of the FIR in the present case.

4. It is vehemently argued by counsel for the petitioner that in the realm of criminal jurisprudence, a mere suspicion is not good enough for initiating prosecution against a person and that the charge has to be proved beyond reasonable doubt by the prosecuting agency. In the absence of any specific evidence on the basis whereof the role of the petitioner is well crystallized, the registration of the case and initiation of proceedings are misconceived.

5. I have heard counsel for the petitioner and have gone through the documents appended alongwith the present petition.

6. Counsel for the petitioner was called upon to refer to the production warrants that were issued by the prosecution, however, he makes no reference to the same.

7. He has also been confronted with the specific allegations levelled in the FIR about operating a fake company allegedly operating in



Dubai and alluring them of heavy returns. The transfer of money, into different accounts, was facilitated by the petitioner herein.

8. Petitioner has also chosen not to attach the evidence collected during investigation. There can be no presumption of no evidence. At the stage of seeking quashing, the onus lies on the petitioner to establish his case within the parameters provided in law.

9. Cyber offences are more often structured offences conducted through different silos, who bring together their individual resources for commission of offence. The role is thus not seen in isolation.

10. The production warrants could have reflected on the involvement of the petitioner in the commission of the offence, however, for no valid reason, the petitioner has chosen not to give details of the final role, after investigation and allegations that have surfaced against him and why the prosecuting agency chose to prosecute the petitioner with the aid of Section 120-B of the Indian Penal Code, 1860. Even though the burden lies on the prosecution to establish its case beyond reasonable doubt, however, the said burden is to be discharged during the trial. In other case, the burden has to be satisfied by the person who approaches the Court of Law for seeking quashing of an FIR, to establish that the case falls under one or more of the categories as specified in the judgment as laid down by the Supreme Court in the matter of “*State of Haryana and Ors. Vs. Bhajan Lal and Ors.*”. At the stage of quashing, the requirement of proving the case beyond the stage of reasonable doubt, by the prosecution, is not the test or the principle on which a quashing petition is to be examined or entertained.

11. The petitioner has chosen to withhold the material information



from this Court and to selectively produce the documents on record, thus giving rise to disputed questions of fact which are not to be gone into by the High Court in exercise of its jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

12. Consequently, the present petition is *dismissed* at this stage.

13. Pending application(s), if any, shall stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

21.04.2026

Sumit Gusain

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