



CRM-M-18627-2025

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

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**CRM-M-18627-2025
Decided on :05.08.2025**

Shivaji Maurya

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Haryana.

Mr. Tejasvi Sheokand, Advocate, for the complainant.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023, seeking regular bail in case, FIR No.87 dated 23.10.2024, under Sections 204, 316(2), 318(4), 319 and 351(3) of BNS (Section 316(2) was deleted and Section 61(2), 338, 336(2), 340(2), 308(6) of BNS and Section 66D of IT Act was added later on) registered at Police Station Cyber Crime, District Palwal, Haryana.

2. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. Counsel further submits that FIR was lodged on the complaint of Anil Kumar, a businessman from Palwal, who was the victim of an elaborate cyber fraud wherein fraudsters, impersonating CBI and RBI officials, coerced him into transferring Rs.88 lacs to a UCO Bank account under the pretext of an investigation into alleged money laundering and national security threats.

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The complainant was kept on a continuous video call for 72 hours and was further extorted for Rs.15 lakhs before he realized the fraud and lodged the complaint.

Counsel contends that name of the petitioner does not appear in the FIR and his alleged involvement surfaced only on the basis of a disclosure statement made by a co-accused, which by itself is inadmissible in evidence unless independently corroborated. Furthermore, the investigating agency alleges that petitioner received an amount of Rs.2 lacs from the proceeds of the offence. However, it is pointed out that not even a single rupee has been recovered from the petitioner.

Further submits that petitioner, without admitting any guilt, is nevertheless willing to deposit a sum of Rs.2 lakhs received by him, before the trial Court as a gesture of cooperation, without prejudice to the petitioner's rights and contentions, and pending final adjudication of the matter. It is, however, submitted that petitioner does not wish to enter into any kind of settlement with the complainant, as he is not involved in the alleged offence.

It is further contended that the UCO Bank account to which the complainant transferred the money was operated by other co-accused, namely Sachin Upadhyay, Yash Dubay, and Manoj Lohar, with whom the petitioner has no telephonic, financial, or personal connection. Counsel submits that petitioner has not been named by any of the six initially arrested individuals, and there is no specific role attributed to him in the

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commission of the offence. He has been implicated at a much later stage, allegedly because of his familiarity with certain police personnel.

It is also pointed out that the co-accused Sachin, Yash Dubay, and Manoj Lohar were granted bail by trial Court on 20.02.2025 (Annexure P-2 to P-4) as the complainant has settled the dispute *qua* said accused. Counsel submits that petitioner is in custody for the last about seven months.

3. Also, by claiming parity, counsel for the petitioner argues that almost similarly situated co-accused namely Neeraj Kumar, Ashwani Verma @ Lucy, Sonu Kumar Pawan and Avish, have been enlarged on regular bail by this Court, primarily on the ground of depositing the amount falling to their respective share.

4. In this regard, counsel for the petitioner refers to the bail order dated 30.04.2025 passed in CRM-M-17927-2025 *qua* Neeraj Kumar, order dated 28.05.2025 passed in CRM-M-28681-2025 *qua* Ashwani Verma @ Lucy, order dated 29.05.2025 passed in CRM-M-29036-2025 *qua* Sonu Kumar Paswan and order dated 14.07.2025 passed in CRM-M-31753-2025 *qua* Avish. The petitioner facing similar allegations, seeks bail on the ground of parity, thus, prays for grant of concession of regular bail.

5. On the other hand, learned State counsel, along with Mr. Tejasvi Sheokand, Advocate, for the complainant, submits that offence is serious one, as the petitioner is an active member of the gang, who are involved in duping people by projecting digital arrest and thereby blackmailing the person under the greed of money.

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6. Considering the submissions addressed by both the sides and the fact that investigation *qua* 11 of the accused including the petitioner is complete and the final report thereupon, has also been submitted; offences are triable by the Court of Magistrate; and the fact that other four co-accused have already been granted bail; and petitioner is ready to deposit an amount of Rs.2 lacs before the trial Court, subject to the final decision of the case.

7. This Court is also of the considered view that petitioner deserves a fair opportunity to rehabilitate and reintegrate into society. Without expressing any opinion on the quality or sufficiency of the prosecution's evidence, and having regard that the petitioner is inside jail since 09.10.2024, and the fact that the trial is still at a preliminary stage, with material witnesses yet to be examined, this Court is of the opinion that the petitioner's personal liberty ought not to be curtailed indefinitely.

Additionally, it is also noticed by this Court that co-accused of the petitioner namely Neeraj Kumar, Ashwani Verma @ Lucy, Sonu Kumar Pawan and Avish, have already been released on regular bail, as also pointed out by counsel for the petitioner and recorded in paragraph No.4 of this order. Thus, same parameter can be applied *qua* the petitioner in the present case, also.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

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9. However, the said concession of bail would be available to the petitioner, subject to the depositing of an amount of Rs.2 lacs in the form of FDR from a nationalized bank and getting the same renewed from time to time, would also be the entire responsibility of the petitioner.

10. Original Copy of the FDR would be retained by the trial Court under the endorsement of the bank.

11. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

13. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

14. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.08.2025*Rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*