



CRM-M-28681-2025

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

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**CRM-M-28681-2025
Decided on :28.05.2025**

Ashwani Verma @ Lucy

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Pragyat Bhardwaj, Advocate for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G., Haryana.

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, 318(4), 319 and 351(3) of BNS, (Sections 61(2), 338, 336(2), 340(2) and 308(6) of BNS and Section 66D of IT Act were added later on), registered at Police Station Cyber Crime, District Palwal.

2. Learned counsel for the petitioner submits that the 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 ₹88 lakhs to a UCO Bank account under the pretext of an investigation into alleged money laundering and national security threats. The complainant was kept on a continuous video call for 72 hours and

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was further extorted for ₹15 lakhs before he realized the fraud and lodged the complaint.

Counsel contends that the name of the petitioner does not appear in the FIR and that 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. It is further submitted that the investigating agency claims that petitioner received ₹20 lakhs from the proceeds of the offence, but only ₹7 lakhs was allegedly recovered from him, which the petitioner asserts is unrelated to the present case. Without admitting guilt, the petitioner is nevertheless willing to deposit the remaining ₹13 lakhs before the Court as a gesture of cooperation, pending final adjudication.(in impuned order)

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. Statements of bank officials examined during the trial as PW-1 and PW-2 have confirmed that no funds were received by the petitioner. Counsel submits that the petitioner has not been named by any of the six initially arrested individuals, and there is no specific role attributed to him in the 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 this Hon'ble Court on

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20.02.2025(P-5) as the complainant has settled the dispute qua said accused, and that Neeraj Kumar was also enlarged on bail by this Court vide order dated 30.04.2025(P-4). Counsel submits that petitioner is in custody for the last about six months. Counsel further proposed that petitioner is ready to deposit a sum of Rs.13 lacs before the learned trial court, subject to the final decision of the case, however, he does not want to enter into any kind of settlement with the complainant, as the petitioner is not involved in the crime. The petitioner, facing similar allegations, seeks bail on the ground of parity, thus, prays for grant of regular bail.

3. On the other hand, learned State counsel submits that the 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 money greed.

4. 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 accused have already been granted bail; and petitioner has also proposed to deposit an amount of Rs.13 lacs before the trial Court, subject to the final decision of the case.

This Court is also of the considered view that the petitioner deserves a fair opportunity to rehabilitate and reintegrate into society. Without expressing any opinion on the quality or sufficiency of the

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prosecution's evidence, and having regard to the petitioner's prolonged incarceration and the fact that the trial is still at a preliminary stage, with material witnesses yet to be examined, the Court is of the opinion that the petitioner's personal liberty ought not to be curtailed indefinitely.

5. 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.

6. However, the said concession of bail would be available to the petitioner, subject to the depositing of an amount of Rs.13 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.

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

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

9. 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.

10. 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.

11 Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

28.05.2025
Rashmi

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