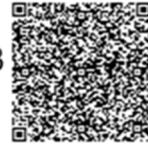


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

237

CRM-M-32840-2025 (O&M)
Date of decision : 09.09.2025

Sanjay Kumar Mourya**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sahil Choudhary, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

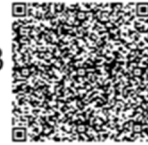
Mr. Manjeet Garhwal, Advocate
for the complainant.

MANISHA BATRA, J.(Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 57 dated 17.07.2024, registered under Sections 318(4), 336(3), 338, 340 and 61 of the Bharatiya Nyaya Sanhita, 2023 (For short 'BNS') at Police Station Cyber Crime, Sector 12, Panchkula. The previous petition, **CRM-M-59427-2024**, was dismissed on 24.01.2025.

2. The petitioner is facing trial for commission of aforementioned offence on the allegations that he was part of a conspiracy hatched with the co-accused to commit a cyber crime and in pursuance of the same, he had induced co-accused Hemant Kumar Verma to open an account in his name in IDFC Bank and to allow him to operate the same. He had taken cheque book, ATM Card, SIM etc. relating to that account from co-accused Hemant Kumar

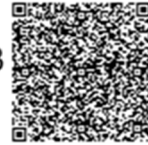
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Verma and had given the same to co-accused Mool Chand for the greed of money and had been given some money. The same account was subsequently used by the co-accused for transfer of some money, out of the amount of Rs.10 Lakhs extracted from complainant Devasis Chaudhary by cheating him and extending threats to him. The previous petition of the petitioner was dismissed by making the following observations:

“7. The allegations against the petitioner are that he entered into a criminal conspiracy with co-accused, in pursuance of which, accused Aakash and Kunal had digitally arrested the complainant, thereby pressurizing him to deposit an amount of Rs. 10 Lakhs through RTGS in a bank account given by them on the pretext that his son was got arrested as per arrest warrants issued by Hon’ble Supreme Court in a money laundering case. The part which has been attributed to the petitioner is that to facilitate the commission of offences of cheating and forgery, he had got opened a bank account in his name and provided the entire kit of that account i.e. cheque book, ATM card etc. along with the details of his registered mobile phone to co-accused Mool Chand, who had further given the same to co-accused for the purpose of extracting money from the complainant. The petitioner had done so to derive financial benefits and out of greed of money. Though, the petitioner has claimed that a compromise has been arrived at between the accused persons including him and the complainant since the entire amount of money taken from the complainant has been returned by him and that a petition bearing number **CRM-M-47380-2024** has been filed seeking quashing of the FIR, which is pending before this Court, however, the authenticity of such compromise is yet to be tested. In connivance with the

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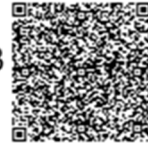


petitioner, the co-accused had gone to the extent of threatening the complainant by showing him false and fabricated documents by claiming that the same had been issued by Hon'ble Supreme Court and extracting huge amount of money from him. The wrong alleged to be committed cannot be termed to be private or personal in nature. Rather, in the given circumstances, it is an offence against the public having potential to provide an impetus to a proclivity on the part of the petitioner and such like persons to continue with such acts buoyed by the thought that they would get away with crime by offering money to the victim. Keeping in view the grave nature of the allegations as levelled against the petitioner, I am of the considered opinion that he does not deserve to be released on regular bail, at this stage. Accordingly, the present petition is dismissed.”

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 20.07.2024. No incriminating material has been recovered from him. His bank account was not used for committing any act of cheating or fraud. He is not the beneficiary of any transaction. He had no direct role in the monetary transaction. His further interrogation is not required. The investigation qua him is complete. A compromise has been arrived at between the complainant and himself and the complainant had sworn an affidavit in his favour. His further incarceration would not serve any useful purpose. He has clean antecedents. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner. He was an active participant in the conspiracy hatched with the co-

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accused and had facilitated the co-accused to commit the subject offences by providing bank account opened in the name of co-accused Hemant Kumar Verma. His previous petition has been dismissed on merits by making detailed discussion. No substantive or drastic change is there to extend him benefit of bail. Trial is going on at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of trial. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner had got opened a bank account in the name of co-accused, had taken entire kit relating to that account and had connected the same with his own registered mobile phone. This account was provided to co-accused Mool Chand, who had used it for transfer of the money, which was extracted from the complainant by duping him. The petitioner is in custody since 20.07.2024. Subject offences are triable by the Magistrate. Though, the plea of compromise with the complainant has been taken by the petitioner at the time of deciding the previous petition, however, now keeping in view the period spent by him in custody, the nature of the allegations, the part attributed to him and the attendant facts and circumstances of the case, I am of the considered opinion that a case for grant of bail is made out. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned. The petitioner shall attend the hearing of the case fixed before the learned trial Court on each and every date unless his appearance is exempted by the Court.

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He shall not commit any similar offence. In case of violation of any of the conditions of the bail, the learned trial Court shall be empowered to cancel the bail of the petitioner.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

09.09.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No