2025:PHHC:011056

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

274

CRM-M-59427-2024 (O&M)
Date of decision : 24.01.2025

Sanjay Kumar Mourya **...Petitioner**

Versus

State of Haryana and another **...Respondents**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ankit Chauhan, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. *(Oral)*

1. Prayer in this petition is 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, District Panchkula.

2. The aforementioned FIR had been lodged on the basis of a complaint filed by the complainant Davasis Chaudhary, who was a retired Army Officer, making allegations of receiving a call on his cell phone on 20.06.2024. The caller, while introducing himself as a Police Officer from Police Station Bandra (Mumbai), told him that his son was got arrested in a money laundering case. He further disclosed that he was extended threats to not to disclose about this fact to anybody and was shown a letter on Whatsapp, purported to be issued by the Enforcement Directorate. The said letter was bearing seal of the Hon'ble Supreme Court. The caller then introduced him with some female by showing that she was a CBI Officer. The complainant was forced to transfer an amount of Rs. 10 Lakhs through the

link to a bank account, details of which were provided to him on his Whatsapp. Subsequently, he came to know that he had been duped of his money. After registration of FIR, investigation proceedings were initiated. It was revealed that the amount of money withdrawn from his bank account was transferred in the bank account of the present petitioner. The petitioner was arrested on 20.07.2024. He suffered disclosure statement to the effect that he had been induced by co-accused Hemant Kumar Verma to open an account in his name in IDFC Bank and to let him operate the same and to give the cheque book, ATM Card etc. and the registered SIM to co-accused Mool Chand. In lieu of the same, he was assured to be given a sum of Rs. 50,000/-. On the basis of his disclosure statement, co-accused were nominated as such and some of them were arrested. The trail of the conspiracy was traced to co-accused Dinesh Bijarniya and it was revealed that he was in contact with some foreigner named Kaisan and in conspiracy with the latter, used to get bank accounts opened in the name of different persons by hatching conspiracy with the petitioner and co-accused and to send details thereof in lieu of some money. Investigation has since been completed and challan has been presented. The petitioner had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 17.08.2024.

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. Investigation has since been completed and challan has been filed. The trial is likely to take time. No transaction of money was done in his own bank account. He is named in this case on the basis of the disclosure statement

suffered by the co-accused, which is not admissible in evidence. A compromise has been effected between the complainant and the petitioner as well as other co-accused and a petition seeking quashing of FIR on the basis of the said compromise has already been filed by the petitioner and other co-accused, which is pending before this Court. It is a case of monetary dispute. The complaint is left with no grudge against the petitioner. His further detention would not serve any useful purpose. Co-accused Hemant Verma and Vishnu Chaudhary have already been granted concession of regular bail by the learned trial Court. On the grounds of parity, the petitioner too deserve to be given the same benefit. Hence, it is urged that the petition deserves to be allowed.

4. Learned counsel for respondent No. 2/complainant, while admitting the factum of compromise arrived at between him and the petitioner as well as other co-accused, has not raised any objection to the prayer made by the petitioner.

5. *Per contra*, learned Assistant Advocate General, Haryana has argued that by hatching conspiracy with the petitioner and other co-accused, accused Aaksh and Kunal had impersonated themselves as Police Officers and by making a Whatsapp call, they had threatened the complainant by claiming that his son was involved in a money laundering case and by showing arrest warrants purported to be issued by Hon'ble Supreme Court, the complainant was digitally arrested and was pressurized to deposit an amount of Rs. 10 Lakhs on the representation that the said amount was deposited for securing release of son of the complainant. It is a different matter altogether that he might have won over the complainant by now by giving back money, which

was extracted by them. The petitioner is a part of a large organized crime syndicate of international level, which is engaged in extracting money from innocent persons. Such like crimes are on rise these days. The petitioner is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

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

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 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.

8. 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.

24.01.2025 **(MANISHA BATRA)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes*

Whether reportable *Yes*