



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.34226 of 2026 (O&M)

Date of Decision: 02.07.2026

Mubarak Ali Gagar Ali Shah

.....Petitioner

Versus

State of UT Chandigarh

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Raman Sihag, Advocate for the petitioner.

Mr. Manish Bansal, Public Prosecutor
for U.T Chandigarh.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.35 dated 17.04.2025, for the commission of offence punishable under Sections 318(4), 319(2), 336(3), 338, 340(2), 61(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Cyber Crime, UT Chandigarh.

2. The abovementioned FIR came into being at the instance of 'Manish Aggarwal, hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 05.10.2023, he saw a notification in the newspaper with regard to opening of a 'Toyota' dealership. As per complainant, he downloaded the Application Form from the link given in the abovementioned notification and sent the duly filled 'Application Form'



on the given address.

3. According to complainant, after two-and-a-half months, he received a call and the caller told him that the application for dealership filed, to the complainant, had been received. It was further stated by the complainant that during conversation, the detailed information etc. were collected from him, and thereafter, a Zoom meeting was arranged and he was asked to deposit the money. According to complainant, in view of abovementioned instructions, under the impression that he would be allotted dealership of 'Toyota' car, he paid Rs.54 lacs through bank transactions in two different bank accounts. As per complainant, later on he came to know that he had fallen prey to fraudsters involved in the cybercrime.

4. It is the case of the prosecution that pursuant to abovementioned complaint, formal FIR of this case was lodged and the investigation taken up.

5. **Notice of motion.**

6. Since advance notice has already been served upon the Union Territory Chandigarh, Mr. Manish Bansal, Public Prosecutor for U.T Chandigarh, has appeared on behalf of respondent-UT Chandigarh. Hence, service of notice upon the respondent-UT Chandigarh is hereby dispensed with.

7. The learned Public Prosecutor for respondent-UT Chandigarh has filed custody certificate of the petitioner and reply the petition. The same be taken on record.

8. Heard.

9. It has been contended by learned counsel for the petitioner that the



petitioner is a poor person who does not have knowledge of intricacies of law, and that by taking advantage of his innocence, the petitioner has been falsely implicated in the present case. According to learned counsel for the petitioner the only allegations against the petitioner is that, that his account has been used for transactions of a part of proceeds of crime. With regard to above, the learned counsel for the petitioner has contended that, in fact, the co-accused 'Ankit Surendra Jha' on false pretext took over the entire kit belonging to bank account of the petitioner, and thereafter, misused the above mentioned account for illegal transactions of proceeds of crime.

10. In addition to above, it has also been contended by learned counsel for the petitioner that the offence is triable by the Court of Judicial Magistrate, and that the petitioner has already suffered incarceration for a period of more than 7 years and ½ months. According to learned counsel for the petitioner investigation in this case is already complete and nothing has been left to be recovered from the possession of petitioner, and that detention of petitioner in judicial lock-up is not likely to serve any purpose. It has also been contended by learned counsel for the petitioner that similarly placed co-accused namely 'Ankit Surendra Jha' has already been granted the benefit of bail in this case.

11. The learned State counsel has controverted the abovementioned arguments. It has been contended by the learned State counsel that in the present case on the ground of parity the petitioner is not entitled to the benefit of bail, as the benefit of bail was accorded to 'Ankit Surendra Jha' who had not received the proceeds of crime or any part thereof. As per learned State



counsel the account of petitioner has been used, being the second layer account, for siphoning of the funds illegally received from the complainant.

12. It has also been contended by the learned State counsel that, in fact, the role attributed to the petitioner in the commission of crime is more alike to the role attributed to co-accused namely 'Dharmender Kumar @ Dharu' and 'Santosh Kumar Yadav' who have been denied the benefit of bail. According to learned State counsel in view of use of bank account of the petitioner in the commission of crime, the nexus between the commission of crime and the petitioner stands established in this case, and therefore, he is not entitled to the benefit of bail.

13. The record has been perused carefully.

14. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that instant case is a case of cyber fraud;
- ii) that the total custody period of the petitioner is more than seven and half months, which by any standard cannot be treated to be a period of prolonged incarceration, leading to an inference that there is delay in trial;
- iii) that the prime witnesses are yet to be examined in this case;
- iv) that the direct nexus between the commission of crime and the petitioner stands established in view of the fact that a sum of Rs.10,00,000/- has been received in the bank account of the petitioner.



15. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby observed that the petitioner is not entitled for the benefit of bail and the present petition, being devoid of merits, deserves dismissal. The same is hereby dismissed, accordingly.

16. However, it is clarified that the abovementioned observations shall not have any bearing upon the merits of the case.

17. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

02.07.2026
Manoj Bhutani

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