

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

2026.PHHC:013632



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CRM-M-70179-2025 (O&M)
Date of decision: 30.01.2026
Date of uploading: 30.01.2026

Ram Vilas Pandey

...**Petitioner**

V/s

State of Haryana

...**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amrit Paul Nahar & Mr. Saurav Shukla, Advocates
for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.39 dated 20.11.2023 registered for offences punishable under Sections 420, 120-B IPC, at Police Station Cyber Crime, Ballabgarh, District Faridabad.

2. The gravamen of the FIR in question is that the complainant was allegedly cheated of an amount of ₹13,78,278/- by certain unknown persons through a cyber fraud, on the pretext of performing online tasks. As per the prosecution case, it is alleged that the petitioner had opened a current account in the name of one Samarthaya Tiwari and thereafter handed over the said account to the co-accused, namely Kunwar Dubey, which was allegedly used for the transfer of the cheated amount.

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 27.05.2025. Learned counsel for the petitioner further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the investigation qua the FIR in question is already complete and trial is underway. He has further iterated that the prime prosecution witnesses namely PW-Ramesh Chander Gupta (FIR-complainant) stands examined. Learned counsel appearing for the petitioner has further argued that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has vehemently opposed the present petition by arguing that the allegations raised are serious in nature and, hence, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 27.01.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 27.05.2025 whereinafter investigation was carried out and challan was presented on 11.07.2025. Total 12 prosecution witnesses have been cited and out of which one i.e. FIR-complainant stands examined. It is not in dispute that the culmination of trial will take long. The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has

been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

6.1. Indubitably, the present petition is the second attempt on behalf of the petitioner for securing regular bail. The first one bearing no. **CRM-M-44561-2025** was dismissed as withdrawn on 21.08.2025, wherein the following order was passed:

“1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.39 dated 20.11.2023, registered for the offences punishable under Sections 420, 120-B of the IPC, 1860, at Police Station Cyber Crime, Ballabgarh, District Faridabad.

2. Faced with the situation that the FIR/complainant is yet to be examined as prosecution witnesses, learned counsel for the petitioner seeks permission to withdraw the petition in hand, at this stage.

3. Ordered accordingly.

4. Pending application(s), if any, shall also stand disposed of.”

However, keeping in view the entirety of facts and circumstance of the case in hand, especially keeping in view the extended custody of the petitioner and the FIR-complainant having been examined as a prosecution witness, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in **CRA-S-2332-2023** titled as ***Rafiq Khan versus State of Haryana and another***; relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

As per the custody certificate dated 27.01.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 8 months & 4 days and is not shown to be involved in any other case/FIR.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.

- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 30, 2026
Naveen

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