



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

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CRM-M-27126-2026

Date of decision : 28.07.2026

Date of uploading : 28.07.2026

RASHID

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Ms. Priyanka Sadar, Senior DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present 2nd 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 FIR No.97 dated 12.06.2025 under Sections 318(4), 319(2), 336(3), 338, 340(2), 61(2), 3(5) of BNS, registered at Police Station Cyber Crime, Nuh, District Nuh, Haryana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"To, The SHO, Police Station Cyber Crime, Nuh Jai Hind. Today, I, Assistant Sub Inspector along with my colleague constable Naveen 261/Nuh, constable Bhupendra 561/Nuh Crime Investigation Branch Tauru in a vehicle government no. HR-05-GV-3016, driver constable Neeraj 403/Nuh with portable laptop printer were present at Chor Chabutara near village Silkho for crime and patrolling duty. That a secrete informer informed that Arbaj, Jutain sons of Ramzan residents of village Pachgaon police station Sadar Tauru district Nuh, by hiding their real identity, commit cyber fraud by cheating the common people online by creating fake Facebook IDs. The mobile number of the above mentioned Zaitun is 7988479501 and the mobile mumber of the above mentioned Arbaaz is 8055472486 they the gate of Forest Department Herbal Park near Nuh Tauru



sitting outside Road and committing cyber fraud, if a raid is conducted immediately, then they can be apprehended red handed along with fake SIM cards and fraudulent mobile phones used in cyber fraud. Believing the information to be true and after informing about the information to the fellow officer, passersby were asked to join the raid. All the passersby went away expressing their two legitimate compulsions and without revealing their names and addresses. I, Assistant Sub Inspector along with my colleague and secrete informer in a government, vehicle, reached near the place given by the secrete informer and on the basis of the location of mobile numbers 7988479501, 8055472486, two boys were seen sitting in front in the light of the government vehicle having mobile phones in their hands, to which the secrete informer pointed and told that both the boys sitting in front are Arbaaz, Jutain sons of Ramzan, residents of village Pachgaon, Police Station Sadar Tauru, District Nuh. After relieving the secrete informer, the government vehicle was taken near the boy sitting in front and stopped, then both the boys got into action on seeing the police. I, Assistant Sub Inspector with the help of fellow officer apprehended him there and on asking his name and address, one boy told his name as Arbaaz son of Ramzan resident of village Pachgaon, Police Station Sadar Tauru, District Nuh. On searching him, a mobile phone brand Poco M2 Pro IMEI NO. 358438733852073 colour sky blue was found in his right hand in which a SIM card of mobile number 8708451535 was found and on removing the blue cover of the mobile phone and checked, it was found to be a SIM card of the Jio company with ICCID No. 89918700400828740060 was found stuck. On opening and checking the mobile phone, WhatsApp account was found login from mobile number 8708451535 and suspicious chatting was found, TEMP MAIL was found installed. On checking the gallery, screenshots of Facebook profile photos and profile names of unknown people were found and screenshots of photos of unknown people were found and Arbaaz's own photos were found. Phone Pay account was found Login with mobile number 8708451535. Messenger app was found installed and suspicious chatting with unknown people was found. Facebook ID was found login from 61576957027233 and 100073157704271. A mobile phone brand Vivo Y51A IMEI NO. 868501051545315/01 color blue in which a SIM of mobile number 7988199714, 8055472486 was recovered in the left pocket of the jeans pants worn by Arbaaz above. On opening the phone and checking it, screenshots of Facebook profile photos and profile names of unknown people were found and screenshots of photos of unknown people were found and Arbaaz's own photos were found. The second boy who was caught told his name as Zaitun son of Ramzan resident of village Pachgaon police station Sadar Tabdu district Nuh. On searching him, a mobile phone brand Redmi Note 11 SE IMEI No. 861612051344992/84 blue in color was found in his right hand, in which a SIM of mobile number 7988479501 was found recovered. On opening and checking the mobile phone, WhatsApp account was found login in with mobile number 7988479501 and suspicious chatting was found. TEMP MAIL was found installed. On checking the gallery, screenshots of Facebook profile photos and profile names of unknown people were found and screenshots of photos of unknown people were found. Facebook Messenger and dual Facebook Messenger app were found installed and suspicious



chatting with common people was found. On searching, a mobile phone brand Vivo Y29 IMEI No.862965065412299/81 colour White Black was found from the left pocket of the jeans pant worn, in which two SIMs of mobile numbers 9350174586, 9671203389 were recovered. On opening the mobile phone and checking it, WhatsApp account was found login with mobile number 9671203389. On removing the cover of the mobile phone and checking it, an Airtel company SIM whose ICCID No. is 89910009059382672850 was found stuck. On checking the right side, a mobile phone brand Redmi Note 11 SE IMEI NO. 861721061380449/56 was recovered in which a SIM of mobile number 9306723924 was found inserted. On opening the mobile phone and checking it, WhatsApp account was found login with mobile number 9306723924 and suspicious chatting was found. TEMP MAIL was found installed. On checking Gallery, screenshots of Facebook profile photos and profile names of unknown people, screenshots of photos of unknown people found and himself photos were found. Facebook Messenger app found installed and found suspicious chatting with unknown people. Facebook ID Sijo S (Philip) found login. Phone pay account found login with mobile number 9306723924. During checking of the above recovered mobile phones, I took screenshots of technical data from the mobile phones. When asked about the above recovered fraudulent mobile phones, fake SIMs, fake social media accounts, WhatsApp chatting, the accused Arbaaz and Zaitun were unable to give any satisfactory answer and declared the two SIMs (mobile numbers 7027275475, 6397527921) found behind the covers of the mobile phones as fake. The recovered mobile phones, fake SIMs were put in a cloth and stamped with 01 of DS stamp and the Planda of cloth mobile phones and fake SIMS were taken into police custody by recovery Memo as evidence. Recovery Memo was prepared separately. The accused Arbaaz and Jutain and the witness signed their signatures on the recovery Memo. After used, stamp was handed over to constable Naveen 261/Nuh. The videography of the recovery made from the above accused Arbaaz and Jutain was done on my instructions through e-Sakshi App by constable Bhupendra 561/Nuh from my mobile phone in which my e- Sakshi App ID was logged in. The photographs of technical evidence taken by me of the fraudulent mobile phones recovered from my mobile were printed out using a portable printer and taken into police custody as evidence through a Caesar Memo. A separate recovery Memo was prepared on which the accused and the witness signed their signatures. On checking with the help of Cyber Cell, Nuh, SIMs with fake mobile numbers were found registered in the names of SIM holders from other states. The above mentioned accused Arbaaz and Zaitun have committed the crime under sections 318(4), 319(2), 336(3), 338, 340(2), 3(5) of the IPC, 2023 by concealing their real identities, using fake mobile phones, fake SIM cards, fake Facebook accounts, posing as acquaintances of the public, and fraudulently extorting money from them. After writing a note, Constable Naveen 261/Nuh is being sent to the police station to register FIR. After registration of FIR number be informed and another IO be sent to the spot for further investigation of the case. I, Assistant Sub Inspector along with my colleagues and the above mentioned accused Arbaaz and Zaitun along with the recovered material is busy in investigating the case at the spot. Today, Nuh, Tauru Road,



near Forest Department Herbal Park (ASI Dharmendra 14/ Nuh) Crime Investigation Branch Tauru Date 12.06.2025 Time 09:05 PM. Today at Police Station on receipt of the above note through Constable Naveen 261/ Nuh at the Police Station, on finding the offence to be committed U/s 318(4), 319(2), 336(3), 338, 340(2), 3(5) BNS, 2023 from the contents of note, hence FIR No.97 dated 12.06.2025 U/s 318(4), 319(2), 336(3), 338, 340(2), 3(5) BNS, 2023 registered in Cyber Crime Police Station Nuh after preparing the copies of FIR from the computer, the same are sending to higher officers for information through post e-mail. I, ASI along with the copy of original FIR and along with special constable is proceeding for the scene of the incident for further investigation.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.09.2025. Learned counsel has further argued that the petitioner was not named in the FIR. Learned counsel has further submitted that two co-accused, namely Arbaj and Jaitun, who were named in the FIR, have been granted regular bail. Learned counsel has further submitted that the petitioner is primarily alleged to have abetted the said main accused, who have since been granted regular bail. Learned counsel has further iterated that the petitioner is man aged about 32 years with no criminal antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply by way of affidavit dated 09.07.2026 in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 27.07.2026 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 14.09.2025 wherein after



investigation was carried out and challan *qua* the petitioner stands presented on 07.12.2025. Total 18 prosecution witnesses have been cited out which 3 have been examined till date. It is thus indubitable that culmination of trial will take its own time. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon 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 trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Keeping in view the entirety of the factual *milieu* of



the case in hand, especially the fact that the petitioner was not specifically named in the FIR, that the two FIR-named co-accused, namely Arbaj and Jaitun, have been granted the concession of regular bail, the petitioner is a 32-year-old man with clean antecedents, and that the trial is not likely to conclude in the near future, this Court is inclined to grant the concession of regular bail.

6.1 As per custody certificate dated 27.07.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 10 months and 10 days & is not shown to be involved in any other case.

6.2 Indubitably, the present petition is the 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed on 13.02.2026 by co-ordinate bench of this Court in CRM-M-519-2026. Keeping in view the entirety of the factual milieu of the case in hand, especially the extended incarceration of the petitioner as also the snail pace of the trial, 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.”

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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/Illaq 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 for 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.

28.07.2026
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(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No