



CRM-M-583-2025

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

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CRM-M-583-2025 (O&M)
Date of Decision: 02.04.2025

MD. UMAMA @ OMAMA ANSARI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gourav Verma , Advocate and
Mr. Vishal Walia, Advocate for the petitioner.

Ms. Avneet, AAG, Punjab.

Mr. Navjot Singh, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed, under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending
trial to the petitioner in FIR No.29 dated 27.09.2023 (P-1), registered under
Sections 120-B, 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860
(for short 'IPC'), at Police Station Cyber-Crime, District Sonipat.

2. Above FIR was registered on statement of *de facto*
complainant-Sandeep with the allegations that petitioner cheated him for a
sum of Rs.21,22,471/-.

3. Contends that final report under Section 173 of the Code of
Criminal Procedure, 1973 (for short 'Cr.P.C') was presented on 23.01.2024;
charges have been framed on 19.03.2024; petitioner was arrested in the
present case on 05.12.2023 and after remaining in custody for about 1 year
and 1 month, he was granted interim bail by this Court on 15.01.2025.



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Further contends that in pursuance of the aforesaid order, he is regularly appearing before learned trial Court and there has been no progress of trial. Lastly contends that there is no allegation that petitioner is likely to misuse the concession and/or hamper the proceedings in any manner, in case released on bail.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court. He also acknowledged that petitioner has not misused the concession of interim bail in any manner.

5. Learned counsel for the complainant vehemently opposed the prayer on the premise that allegations against the petitioner are serious in nature; hence, he does not deserve the concession of bail pending trial.

6. Heard learned counsel for the parties and perused the paper book.

7. This Court granted interim bail to the petitioner on 15.01.2025 and order reads as under:-

“Contends that petitioner is in custody since 05.12.2023; final report under Section 173 Cr.P.C was presented on 23.01.2024 and charges have been framed on 19.03.2024. Also contends that out of total 7 prosecution witnesses, none has been examined till date; thus, conclusion of trial will take sufficient long time. Lastly contends that co-accused, namely, Nisith @ Nitish Pathak, Aniket Roy @ Aniket Rai and Ranjan Kumar have already been granted bail by Co-ordinate Bench of this Court (P-3 to P-5 respectively).

Learned State counsel will verify the pendency of other cases against the petitioner.

Posted for 27.02.2025.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

8. Learned State counsel has duly acknowledged that petitioner is

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regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession and/or hamper the proceedings in any manner. Petitioner remained in custody about 1 year and 1 month before granting interim bail and there is no progress of trial, therefore, in such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 15.01.2025, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

11. The above observations be not construed as an expression of opinion on the merits of the case.

12. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

02.04.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)**JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No