



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
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CRM-M No.3325 of 2025
Date of decision: 27.01.2025

Sanjeev Ola @ Hazari
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Kumar, Advocate
and Ms. Manju Goyal, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.65 dated 29.07.2024 registered under Sections 318(4), 336(3), 338, 340, 61 of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') at Police Station Cyber Sonapat, District Sonapat.
2. The brief facts of the case are that on 16.07.2024, the complainant received a message on Telegram from a user (@Saanvil2340) offering a review task for a company, promising commissions of Rs.1000 to Rs.5000 per day. She was convinced by the offer and began submitting reviews. Initially, she received Rs.1000 for 20 reviews on 17.07.2024, which was paid into her husband's account. She was then encouraged to deposit more money, and over the next few days, she deposited a total of Rs.6,88,500. In return, she was promised

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profits, but the company kept requesting further deposits with promises of membership benefits. Despite depositing the requested amounts, she did not receive her original investment back. After repeated requests, she was told that she would only receive her money back if she deposited Rs.7,50,000. Upon investigation, she discovered that the company used fake websites and documents for fraudulent activities. Thereafter, she filed a complaint and the FIR (supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated and he is not connected with the alleged offence and he has been nominated in the case only on the basis of the disclosure statement made by co-accused Roshan, while in police custody, which has no evidentiary value in the eyes of law as the same is hit by Section 25 of the Evidence Act. He further submits that the petitioner is behind the bars since 04.08.2024 and nothing has been recovered from the petitioner and the petitioner is having clean antecedents and he is not involved in any other case.

4. Learned counsel for the petitioner further submits that since charges are yet to be framed, therefore, the conclusion of the trial is likely to take long time.

5. *Per contra*, learned State counsel has filed custody certificate, today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the allegations against the petitioner are serious in nature and all the accused including the petitioner have hatched a conspiracy and cheated

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the complainant of Rs.6,88,500/- through online fraud, however, he could not controvert the fact that the petitioner is not involved in any other case and he has undergone total custody of about 05 months and 22 days and charges are yet to be framed against the petitioner.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 05 months and 22 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges are yet to be framed and conclusion of the trial will take long time.

7. A two Judge Bench of Hon'ble Supreme Court in **"Satender Kumar Antil vs. CBI", (2022) 10 SCC 51**, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never

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be an impression that it is a police State as both are conceptually opposite to each other.”

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Sanjeev Ola @ Hazari is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

27.01.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No