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

CRM-M-29309-2025

Date of decision: 21.07.2025

Nirmal Singh

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. B.N.S. Marok, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.0064 dated 06.03.2025 under Section 318(4) of BNS (Section 61(2)A of BNS added later on) registered at Police Station Cyber Crime Central, District Faridabad.

Succinctly, the facts of the case are that the complainant, namely, Jitesh Balan, received advertisements, on his mobile phone, with a link send, which on being clicked, he filled a form thereby mentioning basic details regarding the date since when he was engaged in trade and, how much invested, till date. Resultantly, he was made to join a WhatsApp Group called AXIS STOCK EXCHANGE GROUP with many members advising which share to sell and purchase, on daily basis. He was made to transfer money to different bank accounts, all with the same account name AXIS SECURITIES. He transferred a sum of Rs. 1,081,520/- to different account numbers, as detailed in the FIR. All stock trading suggestions matched actual share prices growth as in the Stock Markets. There was no reason to smell any fraud. He continued to

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transfer funds, to invest expecting gain of profitable returns. Upon attempting to withdraw a nominal amount of Rs.100/-, the complainant was successful. However, when he sought to withdraw the profits accrued from his investments, he became aware of the fraudulent nature of the scheme and thus, the present complaint.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and he is not the beneficiary of the alleged cyber fraud. He further submits that only Rs.50,000/- has been credited to the account. The petitioner is not in control of his bank account which is being operated by the co-accused. The petitioner is also a victim of the cyber fraud. Admittedly, the inducement to the complainant is attributed to the co-accused and also the delivery of the property for which the offence under Section 318(4) of BNS has been invoked, is also alleged to have been made to co-accused. Further, there is no evidence on record to remotely suggest that the petitioner can be held liable for an offence under Section 318(4) of BNS. Moreover, the maximum sentence under which the FIR was lodged is punishable upto 07 years and all the offences are triable by Magistrate. The investigation of the case is complete and petitioner is behind the bars since 28.03.2025.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the complicity of the petitioner is duly established and Rs.50,000/- has been credited in the account of the petitioner. Further, there are 16 more complaints regarding the bank account of the petitioner and veracity of the same is being



examined.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. 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 be an impression that it is a police State as both are conceptually opposite to each other."

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 28.03.2025. Trial of the case has not made much progress as out of 16 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. 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.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Nirmal Singh, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of

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Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

21.07.2025*Neha*

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