



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-43042-2025
Date of Decision : 27.10.2025

SURINDER KUMAR @ MOHIT @MOHIT SINGH@ SURENDRA
KUMAR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Gaurav Vir Singh Behl, Advocate and
Mr. Jugraj Singh Chouhan, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of bail under Section 483 BNSS, has been filed by petitioner, an accused in case bearing FIR No.09 dated 02.05.2025 registered against him at Police Station Cyber Crime, District Malerkotla, at the instance of Narinderjit Kaur Patel (complainant), for the commission of offences punishable u/s 318(4), 61(2) and Section 66(D) of Information Technology Act (Sections 111, 336(3), 340(2)of BNS added later on).

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Narinderjit Kaur Patel, wife of Deepak Arbind Patel, resident of Bishangarh, Sandaur, District Malerkota, set the criminal law in motion by filing a complaint pointing therein that on the pretext of posting reviews on YouTube videos and google etc., she was added to social networking App "Telegram" and



was assured of financial benefits. Initially, to win her trust, after she “liked” and “subscribed” few shots/videos etc., some money was deposited in her account. She was later induced to be member of an ‘online’ group, headed by a financial expert, who claimed to guide investors and assured them of better monetary returns, if his advice is followed. Somehow, she got taken in, in these false assurances and transferred Rs.1,00,000/-. Thereafter, she was moved to another ‘online’ group where she was told that to withdraw her funds, she would have to complete further tasks by investing more amount. Complainant claims to have transferred approximately Rs.16.5 lacs. Though, on each occasion, she claims to have completed the task assigned but shockingly enough, the money invested by her was not returned. Rather, she was forced to deposit more money to withdraw already invested amount. Towards the end, complainant alleged that fraudsters demanded Rs.35 lacs for withdrawing the initial money deposited by her, she sensed something fishy, blocked her bank account and moved a complaint with the local police officials, requesting them to initiate appropriate criminal proceedings.

Allegations levelled in the complaint were enquired into and on finding substance in the same, a formal case vide FIR No.09 dated 02.05.2025, u/s 318(4), 61(2) and Section 66(D) of Information Technology Act was registered at the Cyber Crime Police Station, District Malerkotla.

During the course of investigation, it came to the notice of the IO that Rs.3 lacs had been transferred by complainant, to an account in the Union Bank bearing No. 000007489228998 bearing IFSC Code CIUB0000798, the said account was found to be in the name of Vijay Semil, son of Balister Semil, resident of Ward No.15, Radha Colony Birla Nagar, VPO Gird, District Gwalia



(Madhya Pradesh), who was arrested on 03.05.2025. During interrogation, Vijay Semil disclosed the name of the present petitioner, namely, Surinder Kumar @ Mohit @ Mohit Singh, son of Moola Ram, resident of Bhinyad, District Barmer, Rajasthan. Consequently, present petitioner was also arrested. Both Vijay Semil and present petitioner, disclosed that another person was also involved in the incident. Mobile Phone handsets bearing different SIM cards, which were in possession of the present petitioner were taken into possession by the IO, who also arrived at a conclusion that the money had been transferred from the account of the complainant to the account of various other persons (Arvind, son of Sain Ram, r/o Viramnagar, Kansar, District Jodhpur and Anshul Kumar Aggarwal, son of Arun Kumar, r/o House No.1553, Sector 9, Ambala City), none of whom have been arrested. Police authorities also found that petitioner had forged his Aadhar Card, with the help of which he had opened accounts in various Banks. On culmination of investigations qua petitioner and Vijay Semil, challan was filed.

3. An application for grant of bail was filed by the present petitioner before the learned Additional Sessions Judge, Malerkotla, which was dismissed vide order dated 18.07.2025. Aggrieved of the same, present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner, a student pursuing B.Sc. (Nursing) from Rajasthan University of Health Sciences, Rajasthan, has been falsely implicated in the present case. He was neither named in the FIR, nor is the beneficiary of the entire transaction. His name cropped up in the disclosure statement of main accused, namely, Vijay Semil, who has since been granted concession of bail by a co-ordinate Bench of this Court in case bearing CRM-M-43964-2025 titled as “*Vijay Semil Vs. State of Punjab*”, vide



order dated 20.08.2025 (Annexure A-1). Learned counsel further submits that since petitioner was totally unaware of the fact that his personal identification documents are being misused by the main accused (Vijay Semil). Continuing further, learned counsel submits that investigations qua petitioner are complete, for challan has already been filed, the entire case is based on documentary evidence, the completion of trial is likely to take some time and taking into consideration the fact that main accused (Vijay Semil) has already been granted the concession of bail, it has been prayed that on grounds of parity, similar treatment be meted out to petitioner, who has been in custody since 07.05.2025, as his further incarceration would not serve any useful purpose and would also be violative of the fundamental rights guaranteed under Article 21 of the Constitution of India. Learned counsel contends that petitioner undertakes to abide by all the conditions so imposed by the Court, if released on bail.

5. Per contra, learned State counsel opposes the request for grant of bail on the ground that the petitioner was actively involved in the entire incident in which complainant lost Rs.16 lacs. A mobile phone was recovered, at the instance of the petitioner. The fact that one of sim cards inserted in the handset pertained to a person, who was a resident of Andhra Pradesh, indicates that with a view to hide his identity, petitioner proceeded in a very clever manner. Moreover, he also forged his Aadhar Card with the help of which several accounts were opened by him in various banks. Learned State counsel further submits that considering the role of the petitioner, who used the saving accounts in various banks to park the money received through fraudulent means and whose past antecedents are far from satisfactory (being involved in another case bearing FIR No.84 dated 28.02.2025, under Sections 3 & 25 of Arms Act), no case for grant of bail is made



out, for if extended this concession, he (P) is likely to misuse the same by fleeing from the process of justice, by overawing complainant and other witnesses who have not been examined, moreover chances of him misusing the concession of bail by committing another offence, can also not be ruled out. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in ***“Gurbaksh Singh Sibbia V. State of Punjab”***, ((1980) 2 SCC 5) held as under:-

“27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the ‘Meerut Conspiracy cases’ observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled



to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in Gudikanti Narasimhulu v. Public Prosecutor [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of Article 21 are the life of that human right.”

29. In Gurcharan Singh v. State (Delhi Administration) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29 “There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.

Admittedly, the petitioner was not named in the FIR. His name cropped up in the disclosure statement of the co-accused, the admissibility and reliability of the said statement is a question which would be decided during the course of trial based on the evidence adduced on the case file. Moreover, nothing has come on record to indicate that petitioner is involved in any other offence of like nature. Further, the Status report reveals that the challan against the present petitioner and other co-accused was filed on 27.06.2025, as also that till date none of the prosecution witnesses have been examined, thus, the completion of trial in



the near future is quite remote.

When appreciated in the light of the facts that have been brought on record, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner (who has been in custody since 07.05.2025), as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject to his furnishing personal bond along with two surety bonds of Rs.1 lakh each to the satisfaction of learned trial Court/Duty Magistrate concerned. It is further made clear that one of the sureties should be either one of parents or any near relative of petitioner. The petitioner shall further abide by the following conditions:-

- (i) *The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) *The petitioner will not tamper with the evidence during the trial.*
- (iii) *The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) *The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) *The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*



- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

27.10.2025
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>