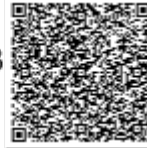


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:153303



CRM-M-47493-2025 (O&M)

Reserved on:03.11.2025

Pronounced on:06.11.2025

Raj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.110, dated 27.11.2024, registered under Sections 318(4) and 238(c) of the BNS, at Police Station Cyber Crime, Jhajjar, District Jhajjar.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant – Inderjeet Singh, alleging that he was having his bank account with the State Bank of India, Hisar Branch. On 01.10.2024, he received information from ICICI Bank that one credit card had been issued in his name, through which purchases worth Rs.4,85,417/- were made but the said amount had not been paid. On making further

inquiries, it was revealed that the above said credit card was issued from Old Bus Stand, Hisar branch ICICI Bank, whereas the petitioner was not having any account whatsoever in any branch of ICICI Bank. By alleging that some unknown person had committed fraud by getting issued a credit card in his name, he prayed for taking action in the matter and also disclosed that the registered mobile number on the above mentioned credit card was 7056974937.

3. After registration of FIR, investigation proceedings were initiated. On obtaining record of the concerned credit card from the concerned bank, it was revealed that the credit card was issued in the name of the complainant through online process connected through the above mentioned mobile phone. The sim card of this phone number was found to be issued in the name of the present petitioner as reflected from the customer application form. It was also revealed that the petitioner was previously working as a Senior Executive in the same branch of ICICI Bank during the period from 29.07.2022 to 28.02.2024 and his services were terminated as he had committed acts of fraud. The petitioner was nominated as an accused. He was arrested on 05.06.2025. He suffered disclosure statements admitting his involvement in the crime. The investigation further showed that the petitioner had got issued around 20-22 credit cards in the names of innocent customers of ICICI Bank without their knowledge and used to make purchases by using those cards and also used to withdraw money from ATM and used to invest the same in online games. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has

been falsely implicated in this case. He is in custody since 05.06.2024. The case is based on documentary evidence. No further investigation is required. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, thus, urged that the petition deserves to be allowed.

5. Per contra, it is argued by learned State counsel that keeping in view the allegations as levelled against the petitioner and his antecedents, he does not deserve to be extended benefit of bail.

6. This Court has heard rival submissions made by learned counsel for the parties and have gone through the record.

7. The petitioner is alleged to have got issued a credit card in the name of the complainant by using his registered cell phone number and on the basis of the same, he made purchases worth Rs.485,417/- on credit basis, thereby causing wrongful loss of money to the complainant as well as to the ICICI Bank. The offences for which he has been booked and challaned are triable by Magistrate. Investigation has now been completed and even complainant has been examined. Though, he has been involved in 03 more cases of similar nature, however, he is on bail in all those cases and cannot be denied benefit of bail in this case only because of that fact. The trial will obviously take time to conclude. It is well settled proposition of law that bail is the rule and jail is an exception. Though, the allegations make out a prima facie case for commission of subject offences, however, pre-trial incarceration should not be a replica of post conviction sentencing. As per the custody certificate, the petitioner has been in custody for a period of 04 months and 27 days. Taking into consideration, coupled with the nature of

allegations and other facts peculiar to this case, this Court is of the opinion that continued detention of the petitioner would be of no justification. In view the above discussed facts, but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds with two sureties in the like amount each to the satisfaction of the Court concerned/Duty Magistrate. The concession of bail granted to the petitioner shall be subject to following conditions:

- (a) He shall deposit his passport, if any, before the learned trial Court;
- (b) He shall cooperate in trial without appear on each and every date;
- (c) He shall not tamper with the prosecution evidence by intimidating or pressurizing the witnesses during trial;
- (d) He shall not indulge in any criminal activity or in commission of any crime after being released on bail.
- (e) He shall not leave the country without prior permission of the Court.
- (f) He shall provide the details of his Aadhar Card as well as his contact numbers to the trial Court by disclosing the same in his personal bonds.

8. Breach of any of the above conditions shall be a ground for cancellation of bail granted to the petitioner.

06.11.2025

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No