



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

217

CRM-M-48712-2025 (O&M)

Date of decision : 27.11.2025

Pardeep Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sachin Kaushik, Advocate for the petitioner.

Ms. Deepali Verma, Asst. A.G. Haryana.

Mr. Viresh Dahiya, Advocate for the complainant.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 420, 467, 468, 471, and 120B of Indian Penal Code, the FIR No.37 dated 26.11.2023 has been lodged in Police Station Cyber Crime, Sonipat. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the complaint of Ajit Singh, hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on his Telegram, he had received a message from a girl, who introduced herself as Charknica, and offered him (complainant) to work

**CRM-M-48712-2025 (O&M)**

2

online on Telegram on commission basis. According to complainant, thereafter he received a message from another girl, namely Harsha, who sent him a link, i.e. www.skyscanner-job20.com/, and got him added in the Telegram group. As per complainant, the name of group was 'Come lets fly 13014'. The complainant further alleged that through the abovementioned link, he booked ticket to get commission, and that in his account, the balance was being shown, and that when he tried to withdraw the abovementioned money, he was not allowed to do so, and that at that stage he came to know that he was a victim of cyber fraud.

3. It is the case of the prosecution that on the basis of abovementioned complaint, formal FIR of this case was lodged and the investigation taken up. According to prosecution, during the course of investigation, the petitioner was arrested, and since then, he is in custody.

4. Mr. Viresh Dahiya, Advocate has put in appearance on behalf of complainant and filed Power of Attorney. The same be taken on record.

5. The learned State Counsel has filed status report as well as custody certificate of the petitioner. The same, too, be taken on record.

6. Heard.

7. It has been contended on behalf of petitioner that the offence is triable by the Court of Judicial Magistrate, and that the complainant has already entered into compromise with the petitioner and the entire sum due towards the petitioner has been paid by him to the complainant. According to learned counsel for the petitioner, since the petitioner has already served a custody for a period of about six and a half months, and that he has already



compensated the complainant for the loss caused to him, the petitioner is entitled for the benefit of bail.

8. The learned State Counsel has controverted the abovementioned arguments on the ground that the petitioner was an active member of cyber fraud racket, and that in view of gravity of offence, committed by the petitioner, he is not entitled for the benefit of bail.

9. The learned counsel for the complainant has admitted that the compromise has already taken place between the complainant and the petitioner, and that as per his instructions, he is not opposing the present bail petition.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision with regard to present petition for bail: -

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the petitioner is already in custody for a period of about six and a half months;
- iii) that the loss caused to the complainant has already been made good by the petitioner;
- iv) that as per custody certificate, the petitioner has clean antecedents;
- v) that nothing is left to be recovered from the possession of petitioner;
- vi) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;



vii) that there is nothing on record to show that if released on bail, the petitioners may tamper with the evidence or influence the witnesses; and

viii) that there is nothing on record to show that if released on bail, the petitioners will not participate/cooperate in the trial.

12. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of ***“Dataram versus State of Uttar Pradesh and another”, 2018(2) R.C.R. (Criminal) 131***, are relevant, wherein it has been observed that *“a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an*



accused person is the right thing to do on the facts and in the circumstances of a case”.

13. The principles laid down by the Hon’ble the Supreme Court of India in the case of **‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’**, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that *“the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.*

14. Recently, in the case of **‘Tapas Kumar Palit Vs. State of Chhattisgarh’**, 2022 INSC 222, the Hon’ble Supreme Court of India has observed that *“if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”.* It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that *“delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.*



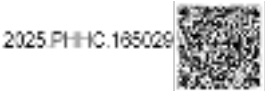
15. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in "*Balwinder Singh versus State of Punjab and Another*", SLP (Crl.) No.8523/2024.

16. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

17. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

18. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him



shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 27, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No