



CRM-M-49101 of 2025

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

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CRM-M-49101 of 2025
Date of Decision: 01.12.2025

Mustufa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Karan Pathak, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.79 dated 18.05.2025 registered under Sections 340, 338, 336(3), 319 and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (Sections 319(2), 340(2), 61(2) and 238 of BNS), at Police Station Cyber Crime Nuh (Mewat), District Nuh.

2. Brief facts of the present case are that the petitioner along with co-accused had committed cyber fraud and duped innocent persons for a sum of Rs.82,149/-. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that neither the petitioner is involved in the crime nor any amount has ever been received in his account and as such, the petitioner is not the beneficiary in

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any manner. He further argues that there is no incriminating material on record to connect the petitioner with the alleged offence. He further submits that the prosecution story is highly improbable and recovery of two mobile phones from the petitioner is planted. The petitioner is in custody since 18.05.2025 and nothing is to be recovered from him. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 16 prosecution witnesses but none has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, he has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. He argues that the mobile number involved in the offence was recovered from the possession of the petitioner including the mobile phone as well as SIM Card, thus, establishing the involvement of the petitioner in the crime. However, he has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 06 months; investigation is complete; challan stands



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presented; charges framed; no prosecution witness has been examined; the petitioner has clean antecedents; the complicity of the petitioner is a matter of trial, and the trial is likely to take a long time to conclude. No useful purpose would be served by keeping the petitioner in further custody. His continued 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.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

01.12.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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