



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

238

CRM-M-51919-2025 (O&M)

Decided on : 16.12.2025

ABDUL HAQ

... PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

PRESENT: None.

YASHVIR SINGH RATHOR, J. (Oral)

1. The lawyers are abstaining from work.
2. Present petition under Section 439 of CrPC/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.219 dated 16.07.2024, under Sections 406 and 420 of IPC, registered at Police Station Kalanwali, District Sirsa.
3. Status report dated 14.10.2025 filed by way of affidavit of Sandeep Kumar, HPS, Deputy Superintendent of Police, Kalanwali filed by respondent-State through registry is taken on record.
4. I have gone through the material placed on record.
5. The present case was registered on the basis of complaint given to the police by Yadbinder Singh with the allegations that accused Amit Kumar, Guneet @ Gurmeet Kaur, Sham Sunder Yadav, Balkishan Dube, Rahul Kumar and Venkta Raman allured him with the commission of an insurance policy and fraudulently cheated him of a sum of Rs.84,41,399/- which were deposited in various bank accounts held by accused Gurmeet Kaur. During investigation, details of various bank accounts of the



complainant and Gurmeet Kaur were obtained but it was found that said Gurmeet Kaur had died on 19.05.2024. The CAF ID of mobile No.81307-75879 was found to be in the name of Birjesh Kumar, who was joined in the investigation and it was revealed that aforesaid SIM was fraudulently obtained by Abdul Haq (petitioner). It was also found that said Abdul Haq takes advantage of poverty and helplessness of poor people and gets their SIM cards and bank accounts opened in their names by offering them some money and then he uses the same to commit fraud with the innocent people. On 30.06.2024, petitioner-Abdul Haq was arrested and he got recovered 3 mobile phones with 6 SIM cards and 18 separate SIM cards which had been obtained on fake IDs. In his disclosure statement, he disclosed that after getting the bank accounts opened and after getting SIM cards, he hands over the same to co-accused Amit Kumar and he used to charge Rs.2,000/- per mobile SIM card and Rs.15,000/- per bank account and he also got recovered a sum of Rs.13,000/- which were taken into possession. Thereafter, Amit Kumar was arrested and after completion of the investigation, challan was presented against accused Abdul Haq and Amit Kumar on 01.09.2025.

6. In this manner, petitioner has not been named in the FIR and as per investigation, he had supplied the bank accounts and SIM cards to main accused Amit Kumar who had cheated the complainant. As to whether the petitioner had supplied the SIM cards and bank accounts to main accused shall be a subject matter of trial. As to how much evidentiary value will be attached to his disclosure statement will also be seen during the trial.

Challan has now been presented after completion of investigation. Petitioner



is in custody since 01.07.2025. All the offences are of Magisterial trial and trial is certainly going to take a long time to conclude. It is well settled that “*bail is the rule*” and “*jail is an exception*” and pre-trial incarceration cannot be used as a tool to punish an offender and no useful purpose will, thus, be served by detaining the petitioner in custody anymore.

7. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

December 16, 2025
Vishal Vardhan

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*