



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

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**CRM-M No.50428 of 2025  
Date of decision : 12.9.2025**

**Sahil Sanjiv Poddar****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sanjeev Majra, Advocate, for the petitioner

Mr. Deepak Grewal, DAG, Haryana

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**SUMEET GOEL, J. (ORAL)**

1. Present fourth petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.2 dated 1.8.2022, under Sections 420, 467, 471, 120-B of the IPC and Sections 66-C, 55-D of Information Technology Act, 2000, registered at Police Station Cyber Crime Sector-23, District Sonipat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*'To, Cyber Police Station, Sector-23, Sonipat (Haryana). Sir, I am posted as Senior General Manager in ECE Industries Ltd., Delhi Road, Sonipat. Work of making Power Transformers is done in our company. A Current A/c No. 01060500000002 of our company is in Bank of Baroda, Gurudwara Road, Sonipat. In this account, Phone No. 7082210528 has been mentioned for SMS Alert or internet Banking and from the company,*



*this Phone Number remains with Senior Accountant, Sh. Jai Kishan Bhatt Son of Ritanmani Bhatt, Resident of Patel Nagar, House No. DS-2633 and Jai Kishan also performs the internet banking work on behalf of the company Today, in evening at about 5.58 P.M., a phone call of Jai Kishan was come on my number that Messages of Debit of 10-10 Lacs and other amounts have been come on his phone. Have you done any transaction? I denied about making any transaction by me and said that these can be forged transactions. Block the Account immediately. After some time, Jai Kishan said that A/c is not was not started to login. Thereafter, after making call on Help Line Number of Bank, I blocked the Bank A/C. Thereafter, Jai Kishan told me that Rs. 1.89 Crores of the Company Account have been online T/F by some unknown person (Fraudsters) through 16 Transactions. Thereafter, Jaikishan told me that missed call was come from 3107005031419 on his Phone No 7082210528 on dated 30.07.2022 and today on 31.07.2022, a call was come from Phone Number 9082858405 and the caller said that, "You and your company have JIO numbers. Would you like to take good plan". Then I refused to him and cut the phone call. Missed calls were come from Phone No. 2027650215 of Jai Kishan from 4243820726 at time 4:42 and 5:26. I am confident that by making phone call by some unknown person from the above said numbers to the phone number of Jai Kishan and under a conspiracy, by hacking the above said Account of our company, has caused loss of Rupees One Crore Eighty Nine Lacs. Password or OTP relating to the Account of the company has not been shared to any unknown person from our company. Strict action may be taken against the persons, who have caused loss of Rs. One Crore Eighty Nine Lacs to our company. Sd/- Pardeep Rastogi, 7082210500.'*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.9.2022. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that there is no clear and specific role attributable to the petitioner. Learned counsel has further argued that the petitioner has suffered incarceration, as an under-trial, for more than 2 and



a half years, in the present case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 11.9.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case. Before delving into the matter further, it would be germane to refer herein the case law governing the issue in hand:

5.1 ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429,*** relevant whereof reads as under:

*“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.*

*11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public*



*expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.*

12. *A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution."*

5.2. Further, the Hon'ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118***, has held as under:-

*"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."*

5.3 Furthermore, the Hon'ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40***, has held as under:

"21. *In bail applications, generally, it has been laid down from the*



*earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.*

22. *From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”*

6. The petitioner was arrested on 17.9.2022 and is in continuous custody since then. Upon culmination of investigation, challan was presented on 29.11.2022. Total 48 prosecution witnesses have been cited and it is not in dispute that none has been examined till date. It is thus indubitable that conclusion of the trial will take long. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.



6.1 As per custody certificate dated 11.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 8 months and 16 days. As per the said custody certificate, the petitioner is stated to be involved in 3 more FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

6.2 Indubitably, the petition in hand is the fourth attempt to secure bail. The last petition was declined on 14.5.2024. However, keeping in view the entire factual *milieu* of the case in hand, especially the factum of the petitioner having suffered the incarceration for about 3 years, the last petition having been withdrawn on 14.5.2025 and the pace of the trial; this Court is affirmatively consider the present petition. A profitable reference in this regard is being made to a judgment passed by this Court in ***Rafiq***



***Khan versus State of Haryana and another: 2024(2) Law Hereld 1140;***

relevant whereof reads thus:

*“10. As an epilogue to the above discussion, the following principles emerge:*

*“I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.*

*II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.*

*III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.*

*IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).*

*V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”*

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or



- documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
  - (iv) The petitioner shall not commit any offence while on bail.
  - (v) The petitioner shall deposit his passport, if any, with the trial Court.
  - (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
  - (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)  
JUDGE

12.9.2025  
*Ashwanii*

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