



CRM-M-52436-2025

1

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

**CRM-M-52436-2025
Decided on : 10.11.2025**

Nitin and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Ms. Sakshi Khara, Advocate
for the petitioners.

Ms. Shaveta Sanghi, DAG, Haryana
for the respondent-State.

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 petitioners in case FIR No.127 dated 01.07.2025, registered under Sections 318 (4), 319(2), 61(2) of BNS, 2023, at Police Station Cyber Crime Palwal, District Palwal.

2. Brief facts of the prosecution case are that the FIR was lodged on a complaint filed by Sanjay Kumar, who alleged that the petitioners alongwith co-accused committed an online fraud with him for an amount of Rs.33,825.53.

3. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case and they have no concern with the said offence. He contends that the petitioners were not named in the FIR.

Learned counsel further submits that there is no material evidence on record to



connect the petitioners with the crime. He submits that the mobile number from which the calls were made to the complainant does not belong to the petitioners. He further submits that the only allegation against the petitioner is that his mobile number has been linked to the bank account in which the fraudulent amount was allegedly transferred. Learned counsel further submits that co-accused Khushboo and Avishka have already been granted the concession of regular bail by the Court of Additional Sessions Judge, Palwal vide orders dated 27.08.2025 and 02.09.2025 respectively. The petitioners are behind bars since 02.07.2025. The investigation in the case is complete; challan stands presented and charges have been framed. Nothing is to be recovered from them. The trial will take a long time to conclude and no useful purpose would be served by keeping the petitioners behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioners is serious in nature. He has further submitted that petitioner Nitin is involved in 03 other cases and petitioner Sahil Behal is involved in two other cases meaning thereby they are habitual offenders.

7. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioners are in custody for the last more than four months, co-accused Khushboo and Avishka have already been granted the concession of regular bail by the Court of Additional Sessions Judge, Palwal vide orders dated 27.08.2025 and 02.09.2025



respectively; investigation is complete; challan stands presented and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining them in further custody. Keeping the petitioners in further 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.

8. Reliance is placed upon in ***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".

13. As regards the submission of learned State counsel that petitioners are involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."



9. In view of the above, the present petition is allowed and the petitioners are ordered to be released on bail on their 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.

10.11.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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