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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.53511 of 2025
Date of Decision: 01.12.2025

Mohd. Salman ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Sonal Singh Godara, Advocate,
for the petitioner (through V.C.)

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
169	24.06.2024	PS Cyber West, District Gurugram	419, 420 and 120-B of IPC and 66D of IT Act, 2000

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint submitted by the complainant Susmita Pruthi alleging that she had been made a victim of cyber crime and investment fraud by being induced to join a Whatsapp group named as Refer Appendix 1 and to make investment. An amount of Rs.1,07,91,329/- was got transferred

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from her account on the pretext of investment and was not returned. After registration of FIR, investigation proceedings were initiated and it was revealed that the money from the bank account of the complainant had been transferred to 28 different bank accounts. The details of those accounts were collected. One of those accounts was in the name of M/s Dua Medical Store operated by one Mohammad Samoon and an amount of Rs.19 lakhs was transferred from the account of the complainant. Similarly, details of other bank accounts were also collected. The above named Mohd. Samoon was arrested on 15.03.2025. He was interrogated and suffered disclosure statement to the effect that he had provided his bank account to the present petitioner who is his brother and his friend Tanvir @ Ballu who had told him that they had used his account to receive certain funds and had assured him to repay the outstanding cash amount of Rs.1,05,000/- in his ICICI bank account in lieu thereof. On the basis of this disclosure statement, the petitioner was nominated as additional accused. He was joined into investigation on 15.03.2025 and was interrogated. He admitted his involvement in the crime and got recovered a mobile phone used by him. Some of the other accused had also been arrested. Challan qua them has been presented in the Court whereas some accused are yet to be arrested.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He himself is the victim of the crime. He was not named in the FIR. His bank account had not been used in the occurrence. He had not received any amount of money and is not beneficiary

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of any transaction. He had been implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He has remained on interim bail for sometime and did not misuse the concession of the same. He has remained in custody for a period of about eight months. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. The subject offences are triable by Magistrate. He has clean antecedents. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned Deputy Advocate General, Haryana has argued that there are serious and specific allegations against the petitioner. His complicity in the crime stands established on the basis of material placed on record. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. It is, therefore, argued that he does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner in connivance with the co-accused is alleged to have cheated the complainant and subjected her to cyber crime/fraud by facilitating transfer of money in the bank account procured by him from his brother Mohd. Samoon and by further transferring the said amount to the co-accused. An amount of Rs.19 lakhs was transferred in the bank account of Mohd. Samoon on his instigation/participation. The allegations establish a prima facie case connecting him with the subject crime. He is, however, in custody for a period of about eight months. He is not involved in any other

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exception. The personal liberty is a precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case. Continued detention of the petitioner would not serve any useful purpose. It is equally well settled that when an undertrial prisoner is detained in jail for an indefinite period, Article 21 of the Constitution is violated. Reliance in this regard can be had to the observations made by Hon'ble Supreme Court in *Sanjay Chandra v. CBI*, 2011 SCC OnLine SC 1502. In view of the above discussed facts and circumstances, this Court is of the considered opinion that the further incarceration of the petitioner would be of no justifiability and the petitioner has made out a case for grant of bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and further subject to the condition that he will mention his personal identification details of passport number, if any, his cell phone number, Aadhar Card and his permanent residence as well as the present residential address, if any. He 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/her from disclosing such facts to the Court or to any Police Officer.

7. It is also clarified that the observations made hereinabove are not an expression of opinion on the merits of the case nor the trial Court

shall advert to the comments made herein and that the prosecution will be

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entitled to seek cancellation of bail, if the petitioner violates any of the conditions as laid down upon him.

01.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No