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

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Date of Decision: 17.11.2025

Ayush @ Ayush Baisla

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Ashwani Bhatia, 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.127 dated 01.07.2025, registered under Sections 318 (4), 319(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 petitioner along with the co-accused persons committed an online fraud with him for an amount of Rs.33,825.53.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He contends that the petitioner was not named in the FIR and was only implicated on the basis of the disclosure statement of one of

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the co-accused. Learned counsel further submits that there is no material evidence on record to connect the petitioner with the crime. He submits that neither the mobile number from which the calls were made to the complainant nor the bank account in which the fraudulent amount was allegedly transferred belongs to the petitioner. He further submits that the only allegation against the petitioner is that he used to provide online wallets to the co-accused persons from which they used to take out the money. Learned counsel further submits that co-accused Khushboo, Avishka and Sakshi have already been granted the concession of regular bail by the Court of Additional Sessions Judge, Palwal vide orders dated 27.08.2025, 02.09.2025 and 08.09.2025 respectively. The petitioner is 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 the petitioner. The trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that petitioner is involved in 02 other cases meaning thereby he is a habitual offender.

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 four months, co-accused Khushboo, Avishka and



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Sakshi have already been granted the concession of regular bail by the Court of Additional Sessions Judge, Palwal vide orders dated 27.08.2025, 02.09.2025 and 08.09.2025 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 him in further custody. Keeping the petitioner 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.

6. Reliance is placed upon in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein, the 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. As regards the submission of learned State counsel that petitioner is involved in other/two 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



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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."

8. 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.

(RUPINDERJIT CHAHAL)
JUDGE

17.11.2025*D.Bansal*

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