



CRM-M-54973 of 2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-54973 of 2025 (O&M)
Date of Decision: 19.12.2025

Vaghela Praful

...Petitioner

Versus

State of UT Chandigarh

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Raman Sihag, Advocate
for the petitioner.

Mr. Manish Bansal, learned P.P., U.T., Chandigarh.

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.39 dated 19.04.2025 registered under Sections 316(2), 318(4), 319(2), 336(3), 338, 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Cyber Crime, Chandigarh.
2. Brief facts of the present case are that the petitioner along with co-accused had lured the complainant for investing money and cheated him for a sum of Rs.22,88,000/-. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the petitioner was neither named in the FIR nor has any concern with the alleged crime and as such, there is no evidence against the petitioner to connect him with



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the crime. He further submits that the petitioner neither opened any bank account nor any mobile number is issued in his name, rather only Rs.32,000/- were transferred in his firm's bank account, because of which he is being implicated in the present FIR. He further argued that during pendency of the bail petition, his father had expired and being in custody, he could not attend his funeral and now the presence of petitioner is required to attend last rites of his father, being the eldest son. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 27.06.2025 and nothing is to be recovered from him. The investigation in the case is complete, challan stands presented and charges have also been framed. There are total 08 prosecution witnesses in this case and only 01 has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. He argued that the petitioner disclosed that one Ravi Savani asked him to provide bank details on the pretext of investment and received 10% commission from the crime proceeds, and also handed over his bank kit to said Ravi Savani and thus, he has actively participated in the crime. However, he has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

6. Having heard learned counsel for the parties at length and after



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perusing the record of the case, it is evident that the petitioner is in custody for the last more than 05 months; he has clean antecedents; investigation is complete; challan stands presented; charges have been framed; out of 08 witnesses, only 01 has been examined till date; the complicity of the petitioner is a matter of trial, and the trial is likely to take a long time to conclude. No useful purpose would be served by keeping the petitioner in further custody. His continued 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.

7. Reliance is placed upon a judgment in the case of ***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*".

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

19.12.2025
D.Bansal

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