**(258) IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**CRM-M-57163-2025**
**Date of decision : 29.11.2025**

**AAMIN ALI** **... Petitioner**

**Versus**

**STATE OF HARYANA** **...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Inderjeet Singh, Advocate for the petitioner

Mr. Neeraj Poswal, AAG, Haryana

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**MANISHA BATRA, J.**

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case arising out of FIR mentioned below :-

| FIR No. | Dated | Police Station | Sections |
|---|---|---|---|
| 73 | 16.09.2024 | Cyber Crime Police Station, Yamuna Nagar, District Yamuna Nagar | 318(4) and 61(2) of Bharatiya Nyaya Sanhita (for short 'BNS') |

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint submitted by the complainant-Gurujot Singh alleging that on 25.07.2024, he received a call on his mobile phone and the caller while disclosing that he was a representative of Fedex Courier Company, disclosed to him that he had sent a parcel containing some

articles from Mumbai to Russia which had been caught by the Customs Department and that contraband had been recovered from the same. The complainant responded by telling him that no such parcel had been sent by him. The caller by saying that it could be a case of leak of his Aadhar Card details, told him that he was transferring his call to the Mumbai Crime Branch. Then he was made to talk to some other person who introduced himself as SI Ajay Bansal from Mumbai Crime Branch. That the said person took him to his video call, digitally arrested him and by blackmailing him, got transferred an amount of Rs.8,48,925/- from the bank account of the complainant to a particular bank account. Later on, the complainant realized that a fraud had been committed with him and he was duped of the aforementioned amount of money.

3. After registration of FIR, investigation proceedings were initiated which revealed that the aforementioned amount was transferred from the bank account of the complainant No.50100439243801 of HDFC Bank into account No.20512935706 of State Bank of India branch by way of two transactions and from the same, an amount of Rs.3,95,000/- was transferred in the bank account operating in the name of the present petitioner and it was withdrawn by way of a self-cheque as on 25.07.2024. The petitioner was accordingly nominated as an accused and was arrested on 17.06.2025. Some other accused involved in the case were also arrested, investigation qua the petitioner and co-accused initiated and which has been completed and challan has been presented.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. In

fact, he is also a victim of the crime, since his bank account was used by the co-accused Vishal and Kishore, who had allured him to pay commission on opening an account in his name. They had kept the kit of the account so opened, procured his signatures on cheques issued qua that account and had given a paltry sum of Rs.4,000/- by way of commission. He does not have any other involvement in the matter. He is in custody since long. The case is based upon documentary evidence. No recovery has been effected from him. The co-accused Abhay Saxena has already been extended the benefit of bail and on partiy he too deserves the extended benefit of bail. He has no criminal antecedents. No useful purpose would be served by his further incarceration. It is thus, urged that he deserves to be released on bail.

5. Per contra, learned State Counsel has argued that keeping in view the serious nature of the crime as committed by the petitioner, he does not deserve to be extended benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for both the parties.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance of that conspiracy, the complainant was kept under digital arrest and cyber fraud/crime was committed with him by extending threat to him on the premise that some contraband had been recovered from a parcel allegedly sent by him from Mumbai to Russia and then he was compelled to transfer an amount of Rs.8,48,925/- by way of blackmailing him in the bank account of one of the accomplices of the petitioner and the co-accused. The investigation

has revealed that an amount of Rs.3,95,000/- was transferred in the bank account of the present petitioner and was withdrawn by way of a self-cheque. There is sufficient prima facie evidence connecting the petitioner with the subject crime, however, in the opinion of this Court, the pre-trial incarceration should not be a replica of post conviction sentencing. The petitioner is in custody since 17.06.2025. He is not involved in any other case. The well settled proposition of law is that bail is the rule and jail is an 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.

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

**(MANISHA BATRA)**
**JUDGE**

**29.11.2025** **Whether speaking/reasoned:- Yes/No**
**Amit Sharma** **Whether reportable:- Yes/No**