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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

310

CRM-M No.58413 of 2025
Date of Decision: 07.11.2025

Harender ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.P. Sharma, Advocate,
for the petitioner.

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
12	28.03.2025	Cyber Police Station Mahendergarh, District Mahendergarh (wrongly mentioned as Police Station Narnaul in the order of learned Additional Sessions Judge)	318(4), 319 and 61 (b) of the Bharatiya Nyaya Sanhita, 2023 (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

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complaint submitted by the complainant Himanshu Sanghi who was running a shop for sale of cell phones under the name of Happy Communication, alleging that on 20.03.2025, one person came to his shop and disclosed his name as Harish. He purchased a cell phone make Motorola G85 having value of Rs.19,999/- and told the complainant that he would make online payment through PhonePe App. Thereafter, he showed one screen shot on his cell phone which was showing transaction of a sum of Rs.19,800/- through some other person on his phone. By telling that he had made payment of the aforementioned amount, he procured bill qua purchase of that cell phone from him and left the shop. Sometime thereafter, the complainant came to know that no transaction qua the aforementioned amount was received in his PhonePe account. Even the phone number disclosed by the above named person was found to be switched off. By alleging that he has been cheated by the aforementioned person, he prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. During the course of investigation, it was revealed that accused Rajesh by impersonating himself as Harish and in connivance with present petitioner had cheated the complainant. The petitioner was arrested on 29.03.2025. He was found to have installed online application "PhonePe" on his phone for the purpose of cheating the complainant. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The co-

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accused Rajesh has been extended the benefit of bail. The material witnesses have not implicated him in the commission of the subject crime. The subject offences are triable by Magistrate. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. He has clean antecedents. It is, therefore, urged that he deserves to be released on bail.

4. Per contra, it is argued by learned Deputy Advocate General, Haryana that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner has placed on record Annexures P-2 and P-3 which are copies of statements of PW-1 Nikhil Sharma and PW-4 Himanshu Sanghi i.e. the complainant and a perusal of the same reveals that the complainant did not implicate the petitioner in commission of the subject offence. PW-1 Nikhil Sharma who was another victim is also not shown to have implicated the present petitioner. The petitioner is in custody since 29.03.2025. The trial will take time to conclude. Continued detention of the petitioner would not serve any fruitful purpose. The subject offences are triable by Magistrate. The antecedents of the petitioner are clean. Keeping in view the above discussed facts, this Court is of the opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty

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Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

07.11.2025
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(MANISHA BATRA)
JUDGE

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