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

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CRM-M-60260 of 2025

Date of Decision: 18.11.2025

Nayan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. D.S. Virk, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. M.S. Virk, Advocate for the complainant.

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.46 dated 27.06.2025 registered under Sections 318(4) of the Bharatiya Nyaya Sanhita, 2023 (Sections 336(3), 338, 340(2) and 61(2) of BNS added later on), at Police Station Cyber Crime, District Sirsa.

2. Brief facts of the present case are that as per the prosecution, the petitioner in connivance with other co-accused had cheated the complainant for Rs.5,81,100/- on the basis of forged documents. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that neither the petitioner is involved in the crime nor any amount has ever been received in his account. He argues that the petitioner is not the beneficiary in



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any manner. He further argues that there is no incriminating material on record to connect him with the alleged offence. He further submits that with the intervention of the members of the society, the parties have decided to bury their past disputes and a compromise dated 07.08.2025 has been effected between the petitioner and the complainant (Annexure P-2). The petitioner is in custody since 08.07.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The investigation in this case is complete and challan also stands presented. He further submits that 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 by the counsel that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the status report and custody certificate of the petitioner, which are taken on record. While referring to the status report, she has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. She further submits that mere compromise dated 07.08.2025 (Annexure P-2) during the custody of the petitioner cannot be accepted as a genuine settlement, particularly in serious economic offences of cheating and forgery. However, she has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

5. At this stage, learned counsel for the complainant has also appeared and filed his *Vakalatnama*, which is taken on record. He has affirmed the factum of compromise and submits that he has no objection if the present petition is allowed.

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 04 months; investigation is complete; challan stands presented, the petitioner has clean antecedents; 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 particularly when the matter already stands compromised between the parties. 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.

18.11.2025

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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