

CRM-M-62296-2025

2025:PHHC:172976



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-62296-2025

Yogesh Kumar

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: December 11, 2025

Date of Uploading: December 11, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rakesh Kumar Lathwal, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

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For the reasons stated in the application, same is allowed.

Amended petition is taken on record, subject to all just exceptions.

Main case (O&M)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.78 dated 12.09.2024, for the offence punishable under Sections 318(4), 336(3), 338 & 340 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), Sections 35 & 36 of the Haryana Parivar Pehchan Act, 2021 and Sections 43-A & 66-D of the Information Act, 2008 (for short 'IT Act') [Sections 66-A & 67 of the IT

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Act, Section 316(5) of the BNS and Sections 6, 13(1)(a) & 13(1)(b) of the Prevention of Corruption Act, 1988 (for short 'PC Act') added later on], registered at Police Station Cyber Crime Jhajjar, District Jhajjar.

2. The gravamen of allegations against the petitioner is that a complaint submitted by Ms. Saloni Sharma, Additional Deputy Commissioner-cum-District Citizen Resource and Information Officer, Jhajjar, was received at Police Station Cyber Jhajjar, seeking registration of a case regarding tampering of income details in Family IDs on the *Mera Parivar Portal* (<https://pppoffice.haryana.gov.in/>). The complainant stated that whenever the family income of any person is incorrectly assessed by the Local Committee or Sector Committee, such individuals may apply for correction through the portal. These applications are then reconsidered by the committee through physical verification at its own level, in accordance with order No.1809-1817 dated 18.08.2023 issued by the Additional Deputy Commissioner-cum-District Citizen Resource and Information Officer, Jhajjar. If, upon verification, a family's income is found to be less than ₹1,80,000/-, a BPL Ration Card is issued and the family becomes eligible for various government schemes such as the Happy Card and Ayushman Card.

However, on 06.09.2024, it came to the notice of the complainant that by hacking the portal or through other illegal means, an unknown person had used her digital signatures without her consent, prepared false reports, and uploaded them on the portal, resulting in the wrongful assessment of income in certain Family IDs. Upon checking, it was

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found that 90 Family IDs / Parivar Pehchan Patras had been fraudulently prepared. The IP addresses involved in these activities were identified, along with the list of computer operators, and the complainant sought legal action against the responsible individuals.

On the basis of the complaint, an FIR was registered. During the investigation, the relevant documents were examined by Arun Mahendru, Security Analyst, Haryana Parivar Pehchan Authority, Panchkula. On 04.08.2025, the concerned records were taken into police possession through a separate seizure memo, and statements of the witnesses were recorded. Thereafter, on 13.08.2025, production warrants for the Yogesh Kumar (*petitioner herein*), were obtained, following which he was joined in the investigation and arrested. He was interrogated on the same day and was remanded to one-day police custody. On 14.08.2025, he was further interrogated, and a fresh disclosure statement was recorded. As the investigation progressed, on 27.08.2025, documents relating to changes of districts and the corresponding reasons reflected in the Family IDs were taken into possession. Subsequently, on 05.09.2025, Arun Mahendru handed over the records concerning the physical verification of the said Family IDs. During the course of investigation, it was discovered that no records pertaining to the 90 fraudulently created Family IDs were available in the office of the District Citizen Resource and Information Officer, Jhajjar.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.08.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned

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counsel has iterated that the petitioner was merely a Data Entry Operator and was not supposed to verify the entries. Learned counsel has further iterated that investigation *qua* the FIR is already complete and challan has been filed, thus, no useful purpose would be served by keeping the petitioner behind bars further. Learned counsel has also iterated that, though, the petitioner is named in another FIR, but he has been extended concession of regular bail by this Court in the said FIR, vide order dated 13.08.2025 passed in CRM-M-43199-2025. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 10.12.2025 in the Court today, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 13.08.2025 whereinafter investigation was carried out and challan has been presented on 11.11.2025. Total 09 prosecution witnesses have been cited, but none has been examined till date. It is thus, indubitable that conclusion of the trial will its own time. The rival contention raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to

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indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 10.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 28 days. Further, as per the said custody certificate, the appellant is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the appellant in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*, a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

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- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

December 11, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No