



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-3115-2026
Decided on : 06.05.2026

MOHD. FAIZAN KHAN

.....Petitioner

Versus

STATE OF UT CHANDIGARH

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Arjun Dhingra, Advocate,
for the petitioner.

Mr. Manish Bansal, PP, UT, Chandigarh, and
Mr. Dixit Bhardwaj, Advocate,
for the respondent.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Mohd Faizan Khan, aged about 20 years	0108	03.09.2025	318(4), 336(3), 340(2),338, 61(2) of BNS, 2023	Cyber Crime	Chandigarh

2. Case of the prosecution in the present case reads as under:-

“Brief facts of the present case are that the present case FIR has been registered on the complaint of Mandeep, r/o 423, Sector 46-A, Chandigarh, in which



he reported that he is working as Digitizer on contractual basis in Survey of India, Chandigarh. That a link rated to work from home was shown on Instagram and clicked by him on dated 07.08.2025. After that Whatsapp chat started with Whatsapp no. 92147-55766. They said that their company FSD E-commerce, collaborating with Flipkart sellers in India and globally. They propose a daily job mission to engage with their products by liking them and viewing through them. In return, their merchant provides 20% to 30% commission on the product's selling price. They also shown these people's account who are working on that platform for commission. Location of the company and Govt. registered certificate also shared to him as a proof. After that he gave his consent to start the work. Registration process was done by the link shared by them. Now, the work has started by recharging his online account from his side and commission credited to his online account by them. Then step by step withdrawal process also done by him through the guidance of those. Amount of 300/- 1200/- was credited to his personal bank account through the process of withdrawal by their guidance. Now, step by step process a group of 30% commission created by them. Later on, alleged persons said that amount Rs.25,95,872/- is ready to withdrawal and he follow the process but amount was not credited to his personal bank account. When asked them, they said that his commission is not completed in specific time and gave reason for this that his account withdrawal mechanism is not inactive since he made a withdrawal with the incorrect withdrawal order. To resolve this issue, they asked to deposit high amount and complainant transferred the total amount of Rs.8,94,495/ but then alleged persons asks to invest more amounts to get refund." From the bare reading of the above said FIR, it is evident that the petitioners were not named in the above said FIR."

3. Counsel for the petitioner submits that petitioner's name does not appear in the FIR, nor he is alleged to be the beneficiary of the crime or operator of the cyber fraud. It is further contended that no bank account in the petitioner's name was used for crediting any fraudulent amount.



It is further submitted that, during the course of investigation, it has emerged that bank accounts involved in the cybercrime were operated by other accused persons, namely Aditya Kumar and Ankit, neither of whom has been arrested, till date.

4. Counsel further submits that investigation indicates that petitioner allegedly used the bank account of his cousin, Mohd. Abuzar (Indian Bank Account No. 8101914069), which was purportedly operated by the petitioner. An amount of Rs.65,000/-, belonging to the complainant, was credited into the said bank account, allegedly as commission for providing the bank account to the main accused, namely Aditya Kumar and Ankit.

It is also submitted that petitioner is in judicial custody for approximately five months, and is willing to return the said amount of Rs.65,000/- to the complainant. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

5. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 05.05.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 05 months and 14 days period inside jail and there is no other case registered against him.

6. Learned State counsel, while opposing the prayer and the submissions advanced on behalf of the petitioner, contends that petitioner



was the mastermind of the alleged offence and had deliberately provided the bank account of his cousin, instead of using an account in his own name, to facilitate the commission of the crime. It is, thus, argued that, in view of his conduct, petitioner does not deserve the concession of bail.

However, on being asked by the Court, it is fairly conceded that petitioner has not been found involved in any other similar offence in the past.

7. This Court has heard the submissions addressed by counsel for the parties and has also gone through the record available before it.

8. With the prevailing circumstances, bank account holders are seriously developing a sense of insecurity regarding their hard-earned money deposited in the banks. The emerging trend of cybercrimes, as reflected in the present case, requires strict scrutiny and the application of strong deterrent principles.

9. It is particularly necessary to adopt such an approach because there exists no immediate statutory mechanism to provide prompt relief to an account holder who urgently requires the amount deposited in his bank account after being defrauded. Therefore, this Court is of the considered view that the amount which is undisputedly found to have been deposited/credited/transferred into the bank account of the accused seeking bail should either be refunded to the complainant-victim or, at the very least, deposited before the Court in the form of an FDR along with accrued interest, so that the grievance of the complainant is redressed without undue delay.



10. This Court expresses this concern especially for the reason that the defrauded amount may never be recovered by the complainant, and the conclusion of the criminal trial/case may take several years, or even a decade. Even in the event of conviction, it may not provide real or immediate relief to the victim.

11. In the interest of protecting citizens and securing the safety of funds deposited in banks, funds which are often misused when account holders share their details with individuals involved in cybercrime, this Court is of the view that a stringent approach is warranted.

12. In view of totality of circumstances, and the submissions addressed by counsel for the petitioner and other factors noticed here above, including the fact that petitioner is ready to pay back the alleged amount of Rs.65,000/- credited in his bank account to the complainant, this Court deems it appropriate to grant the concession of bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

13. **However, grant of regular bail to the petitioner shall be subject to return an amount of Rs.65,000/-, to the complainant.**

14. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.



15. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

16. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

06.05.2026
Lavisha

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO