



CRM-M-4753 of 2026

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

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Date of Decision: 17.03.2026

Mohammad Tosif

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sanjeev Majra, Advocate
for the petitioner.

Mr. Armaan Dahiya, AAG, Haryana.

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.126 dated 20.08.2025 registered under Sections 318(4) and 61 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Cyber Crime, District Karnal.
2. Brief facts of the present case are that as per the prosecution, the petitioner in connivance with co-accused had cheated the complainant for Rs.1,00,000/- through cyber fraud. Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He further submitted that the petitioner was neither named in the FIR, nor has any concern with the alleged fraud and initially, the FIR was registered against unknown person. It

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has also been contended that during investigation, co-accused Mohammad Sabu was arrested and the petitioner has been nominated as an accused only on the basis of the disclosure statement made by the said co-accused Mohammad Sabu. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He further submitted that the petitioner is not the beneficiary of the fraud as no amount has ever been received in his account. He argued that recovery of Rs.12,000/- from the petitioner has wrongly been planted upon him by the prosecution. He further argued that there is no incriminating material on record to connect him with the alleged offence. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 07.09.2025. The investigation in this case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 08 prosecution witnesses and but none has been examined till date and as such, 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 that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner and status report in the matter, which are taken on record and while referring to the status report, he has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.



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5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 06 months; he has clean antecedents; investigation is complete; challan stands presented; charges framed; out of 08 witnesses, none has been examined till date; the complicity of the petitioner is a matter of trial; which is proceeding at snail's pace, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. 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.

6. 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*".

7. 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.

(RUPINDERJIT CHAHAL)
JUDGE

17.03.2026
D.Bansal

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