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

**321**

**CRM-M No. 5740-2026**
**Date of decision :10.02.2026**
**Date of uploading : 10.02.2026**

**Abulaish Ansari …………Petitioner**

**Versus**

**UT Chandigarh …….Respondent**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Pallavi Bahre, Advocate for
Mr. A.P. Kaushal, Advocate for the petitioner.

Mr. Manish Bansal, Addl. P.P., U.T. Chandigarh.

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**SUMEET GOEL, J. (ORAL)**

1. 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.90 dated 25.07.2025 under Sections 318(4), 319(2), 336(3), 338, 340(2), 61(2) of BNS, registered at Police Station Cybercrime, Chandigarh.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

> *"Statement of anil parkash dube son of shree Krishan resident of 372, Sector-32A, Chandigarh age 55 years, stated that I am resident of above address. On dated 12/5/2025,1 received a whatsapp call from one unknown number 7644077985 and the caller identified himself as official from Tata Capital Company and we are doing business in bulk trading in share market and we buy the shares on cheap price from big brokers and sell it on higher price in the market and per trade we distribute 5-10% among our investors. Then he sent me whatsapp link from another number 7452076274 and asked me to fill the form and register myself. I filled up the form and registered myself. Then the said person again sent me one link and when I opened the said page then moneyby Tata Capital company page opened in which my details which I had filled along with my registration were seen. Then the said person told me that one customer*

*care number is mentioned in the form and I should call on 8603202757, 8084475144 and they handle all the accounts of the company and I should follow their instructions. When I called the said number, then they give me one account number and asked me to deposit the money. Initially I sent 10,000 and I received profit of Rs 1500/-. Thereafter slowly slowly I invested Rs 3,00,000/- in the accounts provided by them. Few days later I received one whatsapp call from another number 8274933761 and called told me that they have purchased cheap shares from one IPO and when we will sell them, then I can have great profit. I should pay the remaining amount so that the pending shares can be allotted to me. I invested the remaining amount of Rs 3,67,000/- in the account provided by them and at that time total money I had invested was Rs 6,67,000/-. The said person told me that they will sell the shares after some days.*

*Thereafter on one day I received whatsapp call on my number from 8530665917 and the caller told me that more cheap shares of IPO are being purchased and I should register myself in the same. If the IPO is allotted to me for the more amount than I had invested then I need not to pay any amount and they will manage. Thereafter I got myself registered in second IPO. Then one day they sold my shares which I bought from previous IPO and then they told that they had purchased shares worth Rs 44,00,000/- in the new IPO in which I had registered myself. That they had sold my previous shares and along with profit the margin amount is 22,00,000/-. I should send them 22,00,000/- more so that the new shares can be allotted to me. I denied sending them the amount and asked them to return the amount along with profit and I do not want to purchase the new IPO Shares. They asked me to talk with the seniors and I called the numbers provided in whatsapp group name B42MONEYFY TATA CAPITAL and another GROUP TATA CAPITAL GP MONEY and called the group admin on whatsapp numbers 8865873205, 8126026268 and via chat and they told me the same thing that I should send them 22,00,000/- and I will received the whole amount back. Thereafter I came to know that I have been victim of cyber fraud and I complained against them via online portal on 1930. Therefore request is made to take legal action against them."*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 21.09.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the bank account in question is not in the name of the petitioner and that the phone number attached thereto also does not belong to the petitioner. The same, in fact, belongs to a co-accused who is yet to be apprehended. Learned counsel further submits that, upon culmination of the investigation, the challan qua the petitioner already stands filed. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody

certificate dated 09.02.2026 in Court, 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 21.09.2025 wherein after investigation was carried out and challan stands presented on 12.11.2025. Total 14 prosecution witnesses have been cited out of which only one has been partly examined. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel 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 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 09.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 months and 19 days & is not shown to be involved in any other case.

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:-

(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**

**10.02.2026**
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No