



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

210

CRM-M No.5978 of 2026

Date of decision : 27.2.2026

Date of uploading : 28.2.2026

Ramjilal Meena

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arvind Kumar Yadav, Advocate, for the petitioner

Mr. Manish Bansal, PP, UT, Chandigarh

SUMEET GOEL, J. (ORAL)

1. Present second petition (wrongly mentioned first application in the head note of the 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.33 dated 17.04.2025 registered under Sections 319(2), 318(4), 336(3), 338, 340(2) & 61(2) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Cyber Crime, Chandigarh.

2. Briefly summarized, the instant prosecution has been launched at the instance of the complainant Ashok Kumar S/o Nanak Chand, who reported to the police that he had started trading with Zerodha Company since October, 2024. On 18.12.2024, one Ms. Rekha Aggarwal contacted him telephonically and asked him to do online trading with their company



IBKR and assured to give more profits. She had also given mobile number of one Mr. Rajiv Mehta and asked to contact him. Mr. Rajiv Mehta was client Manager and used to look after the finance department. The complainant contacted Mr. Rajiv Mehta, who sent a link to him on his whatsapp. As soon as he clicked the link, IBKR App got downloaded on his mobile number. Mr. Rajiv Mehta taught him how to deposit money on App by an option. The complainant deposited Rs. 56,26,000/- on various dates in the account sent by Mr. Rajiv Mehta and that details of mobile numbers and bank accounts had been given in the complaint. The complainant also used to chat with Ms. Rekha Aggarwal on WhatsApp and when he asked to withdraw some amount, then, he was removed from the WhatsApp group. The accused thus induced him to pay more money and misappropriated his hard earned money to the tune of Rs. 56,26,000/- and committed fraud with him.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.5.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, upon culmination of investigation, challan stands filed wherein total 15 witnesses have been cited but none has been examined till date. Learned counsel has further submitted that the petitioner is in custody for more than 9 months & is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has has opposed the present petition by arguing that the allegations raised 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 26.2.2026 (mentioned as 26.2.2025) 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 14.5.2025 wherein after investigation was carried out; challan was prepared on 21.7.2025 and subsequently filed. Charges were framed in the case on 25.9.2025. Total 15 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions 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 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 26.2.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 9 months and 13 days & is not shown to be involved in any other case.

6.2 Indubitably, the present petition is the 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 27.10.2025. Keeping in view the entirety of the factual *milieu* of the case in hand, especially extended incarceration of the petitioner and no substantial progress in trial, this



Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in **CRA-S-2332-2023** titled as **Rafiq Khan versus State of Haryana and another**; relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I. Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III. For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV. No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V. In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

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

27.2.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No