



CRM-M-5764 of 2026 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CRM-M-5764 of 2026
Date of Decision: 23.02.2026

Murasaleen

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. Amritpal Singh, DAG, Punjab.

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.28 dated 14.08.2023 registered under Sections 420 and 120-B of IPC, at Police Station Cyber Crime, Phase-4, District SAS Nagar (Mohali).
2. Brief facts as per the prosecution case are that the petitioner had duped the complainant for a sum of Rs.1,55,000/- by alluring him on the pretext of part time job. Hence, the present FIR.
3. Learned counsel for the petitioner contends 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 said offence and initially, the FIR was registered against unknown person.

**CRM-M-5764 of 2026****-2-**

He argued that the petitioner is a poor truck driver, having no international link, travel history or technical knowledge to orchestrate such cyber fraud. He further argued that the petitioner is being made a scapegoat and has been roped in the present FIR only on the basis of the alleged ownership of a bank account, which in fact was never operated by him. He further argued that the petitioner was neither the proprietor of any 'Khan Enterprises' as alleged by the prosecution nor he is the beneficiary of the said transactions. Moreover, the petitioner has clean antecedents as he is not involved in any other case and no recovery is to be effected from him. The petitioner is in custody since 10.09.2025. The investigation in this case is complete, challan stands presented and charges have also been framed. He further submits that there are total 09 prosecution witnesses 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 grant of 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.

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 05 months; he has clean antecedents; investigation is



CRM-M-5764 of 2026

-3-

complete; challan stands presented; charges framed; out of 09 prosecution 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 the same 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

23.02.2026

D.Bansal

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