



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-7096 of 2026

Date of Decision: 13.02.2026

Yashbir Singh Sandhu
... Petitioner(s)
Versus
State of Haryana
... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. R.S.Rai, Senior Advocate
with Mr. Keshav Partap Singh, Advocate
for the petitioner(s).

Ms. Deepali Verma, Deputy Advocate General,
Haryana, for the respondent.

Mr. Abhivadya Sood, Advocate
for the complainant.

Surya Partap Singh, J.

1. This petition under Section 483 of the Bhartiya Nagarik Surakasha Sanhita, 2023, hereinafter being referred to as “BNSS” has been filed for grant of bail to the petitioner with regard to a case arising out of FIR No. 10 dated 11.08.2025 under Section 318(4) and 319 of the Bharatiya Nyaya Sanhita, 2023 lodged in Police Station Cyber Crime, District Panchkula, Haryana.
2. The FIR of this case came into being at the instance of “Dhruv Gupta”, hereinafter being referred to as “complainant” only. It was stated by the complainant that on 20.06.2025 he had received a message on Facebook messenger from the id named ‘Anchal Rao@Ammu’ and when he responded to the above mentioned message, the lady on the other side introduced

complainant on WhatsApp and during above mentioned conversation she prompted the complainant to invest in cryptocurrency. As per complainant, he was allured by the lucrative offer of high return and thus, he invested ₹6,50,000/- but later on he found that his account on the platform, which was told to him by the above said caller, had been frozen and thus, he was duped of the above mentioned money.

3. It is the case of prosecution that in view of above mentioned complaint, formal FIR of this case was lodged and the investigation taken up.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the parties have reached to compromise, and that the petitioner has already refunded the money to the complainant and thus, the complainant offers no objection if the benefit of bail is afforded to the petitioner.

6. In addition to above, it has also been contended by learned counsel for the petitioner that otherwise also, the petitioner has clean antecedents, and that the offence is triable by the court of Judicial Magistrate, and that there is no element of forgery in the present case and that the maximum punishment which can be awarded to the petitioner is imprisonment upto seven years.

7. The learned counsel for the complainant has not controverted the above mentioned arguments. Rather he has conceded that the loss suffered by the complainant has been made good by the petitioner.

8. The learned State counsel has controverted the above mentioned arguments on the ground that the offence being non-

compoundable and in view of gravity of offence, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i) that the offence is triable by the court of Judicial Magistrate;
- ii) that the petitioner is already in custody for a period of more than 1½ months;
- iii) that the maximum punishment prescribed for the offence is imprisonment upto seven years;
- iv) that the entire money has been refunded by the petitioner to the complainant;
- v) that the petitioner has clean antecedents;
- vi) that the nothing is left to be recovered from the possession of petitioner;
- vii) that trial of the case is not likely to be concluded in near future;
- viii) that further detention of the petitioner is not likely to produce a fruitful result;
- ix) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- x) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

11. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of Dataram v. State of Uttar Pradesh and Another(2018) 3 Supreme Court Cases 22, has

observed that “a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.”

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of *Satender Kumar Antil v. Central Bureau of Investigation* (2022) 10 Supreme Court Cases 51, are also relevant in this case. In the above mentioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being

nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice.”

13. Recently, in the case of Tapas Kumar Palit v. State of Chhattisgarh, 2025 SCC Online SC 322 the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed.” It has also been observed by the Hon’ble Supreme Court of India in the above mentioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently.”

14. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in Balwinder Singh versus State of Punjab and Another 2024 SCC Online SC 4354.

15. If the cumulative effect of all the above mentioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the

present petition deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the above said concession shall be subject to following conditions:-

- a) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;
- b) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court

17. It is, however, made clear that any observation made here-in above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

February 13, 2026
“DK”

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