



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

110

CRM-M-7904-2026
Date of decision: 10.04.2026

UMESH KUMAR GARG

.....PETITIONER

Versus

STATE OF HARYANA

. RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Anurag Chopra, Advocate &
Mr. Vardaan Seth, Advocate
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana

Mr. Yaman, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.367 dated 04.10.2025 for the commission of offence punishable under Sections 318(4), 61(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Cyber East, District Gurugram.

2. Briefly stating the facts emerging from record are that the FIR of



this case came into being at the instance of 'Vijay Grover', hereinafter being referred to as 'complainant' only. In his complaint addressed to Cyber Crime, Police Station East, Gurugram, it was alleged by the complainant that he was subjected to a cyber fraud in the name of investment, and that he lost a sum of Rs.71,79,000/- on account of above-said fraud. According to complainant he had received a facebook link in the name of '360 ONE', and that after clicking on the above-mentioned link he was made a member of a group and his trading account was created in the name of 'Fin Vault Pro'. As per complainant subsequently his account was opened in the bank' and that he invested money through above-mentioned account, but later on found that the account belonged to the fraudster.

3. It is the case of the prosecution on the basis of above-mentioned complaint, formal FIR of this case was lodged and further investigation taken up. According to prosecution during the course of investigation it transpired that the account, wherein the money was received, belonged to the co-accused, namely 'Ashish Goyal', and that the same was being operated by his wife 'Dolly Goyal'. It has been further alleged by the prosecution that in the investigation, it has also been revealed that the above-mentioned account was provided by the petitioner to the co-accused 'Lakshay Nanda' and in that regard a disclosure statement was suffered by the co-accused, namely 'Ashish Goyal'.

4. Status report and custody certificate have been filed by learned State counsel. The same be taken on record.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the



petitioner has been falsely implicated in the present case, and that the offence is triable by the Court of Judicial Magistrate, for which the maximum punishment prescribed under the law is seven years. It has also been contented by the learned counsel for the petitioner that the petitioner is already in custody for a period of more than three and half months, and nothing has been left to be recovered from the possession of petitioner.

7. The learned State counsel being assisted by learned counsel for the complainant has controverted the above-mentioned arguments. According to learned counsel for the complainant in the present case the fraud, to which the petitioner has been subjected to, is to the tune of Rs.71,79,000/-, and that out of above-mentioned money only Rs.3,10,000/- has been recovered so far, despite the fact that the money transacted through bank accounts. The learned counsel for the complainant has also contended that the offence is serious in nature, and if released on bail, there are chances that the petitioner may misuse the same.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the maximum punishment prescribed for the offence is imprisonment up to seven years;
- iii) that the petitioner is already in custody for a period of more than three and half months;
- iv) that nothing has been left to be recovered from the possession of petitioner.



- v) that against the petitioner the only evidence collected by the Investigating Officer is disclosure statement of co-accused. There is a question mark with regard to admissibility of above-mentioned disclosure statement as the same was recorded when the co-accused was already in custody and pursuant to above-mentioned disclosure statement nothing incriminating has been recovered;
- vi) that nothing has been recovered from the possession of petitioner and there is no documentary evidence to show that any part of proceed of crime was received by the petitioner;
- vii) that the trial is not likely to be concluded in near future;
- viii) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

10. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been 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”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’ (2022) 10 SCC 51, are also relevant in this case. In the abovementioned 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”.

12. Recently, in the case of ‘Tapas Kumar Palit Vs. 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 abovementioned 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”.

13. 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.

14. If the cumulative effect of all the abovementioned 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.

15. 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 abovesaid concession shall be subject to following conditions:-

- (i) 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.

- (ii) 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 final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

10.04.2026

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