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

CRM-M-9351-2026

Date of Decision: 25.03.2026

Date of Uploading: 25.03.2026

Jahangir Alam and another

.....Petitioners.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Mayank Bajaj, Advocate
for the petitioners.

Ms. Priyanka Sadar, Sr. DAG, Haryana.

SUMEET GOEL, J.(Oral)

Present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioners
in case bearing FIR No.409 dated 15.11.2025 registered for the offences
punishable under Sections 318(4) and 61(2) of the BNS, 2023, at Police
Station Cyber Crime West, Gurugram, District Gurugram.

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

*“My name is Mrs. Chandresh Rajput, I live in Sector
57, BPTP Park Life. I called the phone number (9174010025)
available on Google for Mosiac Hotel, Mussoorie
(Uttarakhand), the call was received by a person named
Ashish, who gave me the information regarding the hotel. I
made a booking from 18th November 2025 till 21st November
2025 for one Deluxe Room Valley View. I was asked to
transfer Rs. 20,000/- through NEFT and Rs. 20,000/- through
IMPS into Bank Account No. 60553996081 IFSC
MAHB0001015 Name Jahangir Alam (Fraud Person A/c). I*

transferred the said amount from my Kotak Bank A/c bearing No. 441201942. At 4:16 P.M. I transferred a sum of Rs. 20,000/-through NEFT and at 4:40 P.M. I transferred a sum of Rs. 20,000/- through IMPS. They sent me a booking receipt on WhatsApp which was under the name of Mosiac Hotel, Mussoorie (Transaction UTR NEFT KKBKH25318687371, IMPS 531816893161). On 14 November 2025, when I asked Ashish that my NEFT refund has still not reached me, he asked me to transfer Rs. 2 on PayTM, after that I was sure that I have been defrauded online. I called Mosiac Hotel, Mussoorie (7088101403), which one Vivek Negi picked up the phone and told me that the hotel has received no booking under my name. I am a victim of online fraud, because of which I have incurred a loss of Rs. 40,000/-. By reporting this fraud, I request you to take strict action against the aforementioned persons. I want my Rs. 40,000/- to be transferred back into my bank account. Put an end to this fraud, because the hotel staff are also aware about the fraud.”

3. Learned counsel for the petitioner has submitted that both the petitioners are in custody since 05.01.2026. Learned counsel has further submitted that there was mis-communication on account of which the petitioners have been implicated into the FIR in question. Learned counsel has further submitted that the petitioners are themselves victim of fraud by the co-accused. Learned counsel has further submitted that the amount in question, i.e. Rs.40,000/-, has been returned to the complainant-side and the statement in this regard has been recorded before the concerned Judicial Magistrate on 13.01.2026 (copy thereof has been appended with the petition as Annexure P-3). Learned counsel has further submitted that upon culmination of investigation, Challan already stands filed. Hence, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioners are serious in nature and, thus, they do not deserve the concession of the regular bail.

Learned State counsel seeks to place on record custody certificates of petitioners Jahangir Alam and Hasnain dated 24.03.2026 and 19.02.2026 respectively, in the Court, which are taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioners were arrested on 05.01.2026 and are stated to be in custody since then. It is not in dispute that upon culmination of investigation, Challan has already been presented on 05.03.2026. Total 06 prosecution witnesses have been cited but none has been examined till date. From the custody certificates brought forth by the State, it is apparent that petitioner Jahangir Alam has already suffered incarceration for a period of 02 months and 21 days and petitioner Hasnain has suffered incarceration for a period of 01 month and 16 days and they are not involved in any other criminal case.

6.1. The rival contentions raised at Bar give rise to debatable issues 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 petitioners absconding from the process of justice or interfering with the prosecution evidence.

Suffice to say, further detention of the petitioners as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Both the petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the learned concerned trial

Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioners shall remain bound by the following conditions:

- (i) The petitioners shall not mis-use the liberty granted.
- (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial.
- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passport(s), if any, with the trial Court.
- (vi) The petitioners shall give their cellphone numbers to the Investigating Officer/SHO of concerned Police Station and shall not change their cell-phone numbers without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioners 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 trial Court/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 petitioners.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

March 25, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No