



CRM-M-10121 of 2026 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CRM-M-10121 of 2026 (O&M)
Date of Decision: 20.04.2026

Bharat Vairagi

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Pardeep Chhoker, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Baljeet Nain, Advocate
for respondent No.2/complainant.

RUPINDERJIT CHAHAL, J (ORAL)

CRM-9830-2026

This application has been filed for impleading the complainant as party respondent No.2 in the petition, in compliance of the order dated 25.02.2026.

Application is allowed, as prayed for and Mr. Deepak Sharma is ordered to be impleaded as respondent No.2-complainant in the petition. Amended memo of parties is ordered to be taken on record.

Main Case

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

**CRM-M-10121 of 2026 (O&M) -2-**

petitioner in case FIR No.57 dated 19.04.2025 registered under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Cyber Crime, District Rewari.

2. Brief facts as per the prosecution case are that the petitioner along with co-accused had committed an online fraud with the complainant and duped him for a sum of Rs.1,24,600/-. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argued that the petitioner was neither named in the FIR, nor is the beneficiary of the alleged fraud and initially, the FIR was registered against unknown person. He further argued that there is no incriminating material on record to show that the petitioner was operating any Telegram account or was part of any conspiracy. He further argued that no offence under Section 318(4) of BNS is made out against the petitioner as the contents of the FIR do not fulfill the ingredients of cheating in any manner. He further argued that the parties have compromised the matter amicably and affidavit of complainant has also been placed on record as Annexure P-2. 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 08.12.2025. The investigation in the case is complete, challan also stands presented but charges are yet to be framed. He further submitted that there are total 10 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.

**CRM-M-10121 of 2026 (O&M) -3-**

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record and while referring to the status report already filed in the matter, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

5. At this stage, learned counsel for respondent No.2/complainant has also appeared and filed his *Memo of Appearance*, which is taken on record. He has affirmed the factum of compromise and submits that he has no objection if the present petition is allowed.

6. 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 more than 04 months; the matter has been amicably settled between the parties; investigation is complete; challan stands presented; charges are yet to be framed; out of 10 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 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 trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. 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



CRM-M-10121 of 2026 (O&M) -4-

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*”.

8. 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.

20.04.2026

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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