



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

CRM-M-10725-2026

Date of decision: 06.04.2026

ISAPAK

....Petitioner

Versus

STATE OF U.T. CHANDIGARH

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Kulwinder Bhargav, Advocate for the petitioner.

Mr. Manish Bansal, P.P. UT Chandigarh and
Mr. Arjun Garg, Mr. Dixit Bhardwaj, Advocates.

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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.128 dated 05.11.2025 registered under Sections 319(2), 318(4), 338, 336(3), 340(2), 61(2) of the Bharatiya Nyaya Sanhita 2023, subsequently challan presented only under Sections 318(4) & 61(2) BNS, 2023 at Police Station Cyber Crime, U.T. Chandigarh.

2. Brief facts of the present case as per the prosecution are that the petitioner along with co-accused had duped the complainant namely Harpreet Singh by committing online fraud to the tune of Rs.1,60,900/- on the pretext of online hotel booking. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the alleged incident. He further contends that even if the prosecution version is believed to be true, then also the only role attributed to the petitioner is that he handed over his sim card to the co-accused in lieu of



₹5000/- and 10% commission on further transactions done by using the sim card. He submits that the petitioner is not the beneficiary of the alleged duped amount. The petitioner is in custody since 14.11.2025. Similarly placed co-accused has already been granted concession of bail by Co-ordinate Bench of this Court vide order dated 25.03.2026 passed in *CRR-539-2026*. The investigation in the case is complete; challan stands presented; charges have been framed; out of 11 prosecution witnesses only 02 have been examined. He submits that the petitioner has clean antecedents as he is not involved in any other case. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned counsel for U.T. has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and does not deserve the concession of bail. However, he has not controverted the fact that the petitioner is 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 04 months, investigation in the case is complete; challan stands presented; charges have been framed; out of 11 prosecution witnesses only 02 have been examined; co-accused has already been granted concession of bail by Co-ordinate Bench of this Court and the fact that trial may take a long time to conclude, 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 her 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.

06.04.2026		(RUPINDERJIT CHAHAL)
puneet		JUDGE
i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No