



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-11996 of 2026

Reserved On: 20.03.2026
Pronounced On: 30.03.2026

Kailash Nath

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

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

Present: Mr. Mukesh Yadav, Advocate
for the petitioner(s).

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

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'. It has been filed with regard to a case arising out of FIR No. 20 dated 27.09.2024, for the commission of offence punishable under Section(s) 318(4), 61(b) and 238 of 'the Bharatiya Nyaya Sanhita, 2023' Police Station Cyber Police Station Narnaul, District Mahendergarh, Haryana.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of 'Sunil Kumar', hereinafter being referred to as "complainant" only. The above named complainant had submitted a complaint, wherein he alleged that he was victim of a cyber fraud. According to complainant, on 09.07.2024 on his

telegram No. 9401246366 he received a message from an ID

“@Ramya713”, whereby he was promoted to work online and earn. As per the complainant, on 12.07.2024 a link was sent to him and when he clicked on the above said link a website in the name of “Cars24” opened. According to complainant he uploaded the entire information sought by the above-mentioned link and thus, joined “@onlinecustsupport Group”, wherein he was asked to complete task on ‘Cars24’ website. It was further stated by the complainant that for handsome earning, he was prompted to deposit money and therefore, he paid different amounts of money on various occasions and thus, parted way with a sum of ₹1,18,47,353/-. According to complainant he was insisted to pay more money, but he refused and tried to withdraw the money already deposited by him, but despite a balance of ₹1,52,03,443/- (showing in his account) he was not allowed to withdraw the above-mentioned money, and thus cheated.

3. It is the case of prosecution that pursuant to the mentioned information/statement, formal FIR of this case was lodged and the investigation taken up.

4. According to prosecution during the course of investigation firstly all the documents with regard to money transaction were collected with the help of bank and thereafter co-accused, namely ‘Vinod Pipdoliya’, an account holder was arrested, who during the course of investigation, revealed the name of ‘Kailash Nath’ (the petitioner herein) and therefore, the petitioner was also arrested on 28.12.2024.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent who has been falsely implicated in the present case without any

admissible evidence against him. According to learned counsel for the petitioner in fact the petitioner himself is the victim of fraud played with him by other co-accused, who were the kingpins of entire scam. As per learned counsel for the petitioner the only evidence collected against the petitioner is that through mobile phone he was in constant touch with co-accused involved in the present case.

7. In addition to above, the learned counsel for the petitioner has also contented that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than one year & four months, and that the investigation in this case is already complete, and that the trial is not likely to be concluded in near future, as out of 24 only one prosecution witness has been examined so far. The learned counsel for the petitioner has also contented that similarly placed co-accused have already been accorded the benefit of bail and therefore, on parity also the petitioner deserves the same benefit.

8. The learned State counsel has controverted the above-mentioned arguments. It has been contended by the learned State counsel that there is sufficient evidence against the petitioner, with regard to his involvement in the commission of crime, and that the documentary evidence has already been collected by the Investigating Agency showing that through mobile phone he was in constant touch with his co-accused, involved in the present case. As per the learned State counsel, the allegations against the petitioner being quite specific and direct. According to learned State counsel, in view of direct link with the offence and the gravity of offence, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court of India 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."

11. 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.”

12. Recently, in the case of ‘Tapas Kumar Palit v. State of Chhattisgarh’, 2025 SCC Online SC 322 the Hon’ble Supreme Court of India 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.”

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

- i) that the petitioner is already in custody for a period of more than one year & four months;
- ii) that the investigation in this case is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- iii) that the trial is taking place at a slow pace as out of 24 only one prosecution witness has been examined so far;
- iv) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- v) that although complicity of petitioner in the crime is *prima facie* established, from the allegations contained in the charge-sheet, yet, the petitioner cannot be kept in custody for an indefinite period particularly when the co-accused have already been accorded the benefit of bail;
- vi) that it is settled principles of law that pre-trial incarceration should not be a replica of the post-conviction sentencing;
- vii) that the offence is triable by the court of Judicial Magistrate;
- viii) that the maximum punishment prescribed for the offence

is imprisonment upto seven years;

- 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.

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, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

March 30, 2026
“DK”

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