



CRM-M-12122-2026 (O&M)

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

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**CRM-M-12122-2026 (O&M)
Date of decision : 06.04.2026**

Dilshad Khan

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Sarfaraj Anjum Mor, Advocate for the petitioner.

Ms. Deepali Verma, Asst. A.G. Haryana.

SURYA PARTAP SINGH, J.

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.66 dated 09.09.2024, for the commission of offence punishable under Sections 120-B and 420 of Indian Penal Code, Police Station Cyber Crime Karnal.

2. The abovementioned FIR came into being at the instance of 'Karamjeet Singh', hereinafter being referred to as 'complainant' only. It was stated by the complainant that he was nominee of the bank account of his son, namely Mandeep Singh', and that from the abovementioned account, a sum of Rs.36,00,589.19 had been illegally withdrawn.



3. It is the case of the prosecution that pursuant to abovementioned complaint, formal FIR of this case was lodged and the investigation taken up. According to prosecution, during the course of investigation, it was found that the withdrawal of money had taken place in a very peculiar circumstance. As per Investigating Agency, when son of complainant left the country, he discontinued the use of his mobile No.98131-16064, and in such eventuality, after some time the same mobile number was allotted by the service provider to 'Saheen', the co-accused. It has been further alleged that when 'Saheen' used the abovementioned SIM card, he started receiving messages with regard to deposit of money on the abovementioned number, and thus, came to know about the deposits in the account of the son of complainant. According to Investigating Agency, taking advantage of the situation that the abovementioned mobile number was still attached with the account of son of complainant, he siphoned-off money from the abovementioned account, by transferring various amounts to different accounts.

4. As far as the role attributed to the petitioner is concerned, it has been claimed by the Investigating Agency that on the basis of details of account holders, wherein the money was transferred, enquiries have been made from such account holders, and that they have suffered their respective disclosure statements, wherein they have revealed that the petitioner and his brother, namely Naseem, are the mastermind of the entire event of siphoning-off funds from the account of son of complainant.

5. Heard.



6. It has been contended by learned counsel for the petitioner that the petitioner is innocent and a *bona fide* student at Jaipur. According to learned counsel for the petitioner, neither SIM in question was ever used by the petitioner, nor he received any money in his account. As per learned counsel for the petitioner, the co-accused has already been accorded the benefit of bail, and therefore, the petitioner is entitled for the same relief, on the ground of parity.

7. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, as per disclosure statement suffered by several co-accused, the petitioner and his brother, namely Naseem, are the mastermind of the entire fraudulent activities. As per learned State Counsel, there is a direct link between the commission of crime and the petitioner, as the SIM, which was linked with the account of son of the complainant, had been used in the mobile phone of the complainant also. It has further been contended by learned State Counsel that there are also instances of conversation of other accused in the present case with present petitioner.

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 petitioner is already in custody for a period of more than four months;
- ii) that the offence is triable by the Court of Judicial Magistrate;



- iii) that the maximum punishment prescribed for the commission of abovementioned offence is imprisonment upto seven years;
- iv) that there is nothing on record to show that the petitioner had drawn any benefit of the alleged fraudulent activity;
- v) that the petitioner has clean antecedents;
- vi) that nothing has been left to be recovered from the possession of petitioner;
- vii) that the trial is not likely to be concluded in near future;
- viii) that the detention of the petitioner in judicial lockup is not likely to serve any 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; and
- x) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate 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(2) R.C.R. (Criminal) 131, are also 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

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to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned 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

06.04.2026*Gaurav Thakur*

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No