

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

2026:PHHC:054339



(228/2)

CRM-M-12614-2026

Date of Decision: 08.04.2026

Date of uploading: 08.04.2026

Deepak Kumar

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE SUMEET GOEL.

Present:- Ms. Sonal Singh Godara, Advocate for the
petitioner (through V.C.).

Mr. Gurmeet Singh, A.A.G., Haryana.

None for the complainant.

SUMEET GOEL.J (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.189 dated 28.5.2025 under Sections 318(4), 319, 61(2) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Cyber East, Gurugram, District Gurugram.

2. Case has been called up twice but none has put in appearance on behalf of the complainant.

3. The gravamen of the FIR in question is that the petitioner alongwith his co-accused committed online fraud with the complainant by impersonating using WhatsApp group Rechak (the brand name of a global financial institution and deceptive tech infrastructure) and fraudulently caused loss to the complainant the tune of ₹15,24,90,017/-.

4. Learned counsel for the petitioner has argued that the petitioner is in custody since 20.08.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the petitioner has been primarily implicated into the FIR in question on account of disclosure statement which is not tenable in law. Learned counsel has further submitted that the petitioner is a man with clean antecedents and has also suffered incarceration for more than 6 months. Thus, regular bail is prayed for.

5. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has produced compliance report by way of affidavit of Priyanshu Dewan, HPS, A.C.P., Cyber, District Gurugram, which is taken on record. while placing reliance upon the compliance report dated 31.03.2026, learned State counsel has submitted that the complainant stands informed about the pendency of the present petition as also the hearing today. Learned State counsel seeks to place on record custody certificate dated 07.04.2026 in Court, which is taken on record.

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

7. The petitioner was arrested on 20.08.2025 wherein after investigation was carried out; challan was prepared on 25.9.2025 and subsequently filed. Total 3 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which 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 petitioner absconding from the process of justice or interfering with the prosecution evidence.

7.1 As per custody certificate dated 07.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 7 months and 08 days and is shown to be involved in one other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. As per custody certificate dated 07.04.2026 the petitioner has suffered incarceration for 07 months and 08 days and has been shown to be involved in one other case. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

9. Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

10. In view of above, the petition in hand is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds

to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (viii) The petitioner shall not mis-use the liberty granted.
- (ix) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (x) The petitioner shall not absent himself on any date before the trial.
- (xi) The petitioner shall not commit any offence while on bail.
- (xii) The petitioner shall deposit his passport, if any, with the trial Court.
- (xiii) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (xiv) The petitioner shall not in any manner try to delay the trial.

11. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/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 petitioner.

12. Ordered accordingly.

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

08.04.2026

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(SUMEET GOEL)
JUDGE

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