



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

224

**CRM-M No.12917 of 2026
Date of decision : 22.4.2026
Date of uploading : 22.4.2026**

Himanshu Chaudhary**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashish Tyagi, Advocate (through VC) and
Mr. Akun Sheemar, Advocate, for the petitioner
Ms. Priyanka Sadar, Senior DAG, Haryana

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.167 dated 21.6.2025 under Sections 318(4), 319 of Bharatiya Nyaya Sanhita, 2023 (Section 3(5) of BNS added later on), registered at Police Station Cyber South, District Gurugram.
2. The gravamen of the FIR in question is that the petitioner is actively involved in fraudulent transactions through electronic media to the tune of Rs. 59,60,000/- out of which Rs. 90,000/- have been received in his bank account bearing No.20100044962650 maintained at Bandhan Bank. Against the said bank account, 35 other complaints of cyber crime are pending at the National Cyber Crime Portal.



3. Learned counsel for the petitioner has argued that the petitioner is in custody since 20.7.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question as he was merely helping the FIR-complainant side. Learned counsel has further argued that the petitioner has received merely ₹90,000/- in his account. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply by way of affidavit of Priyanshu Deewan, HPS, Assistant Commissioner of Police, Cyber, Gurugram dated 27.3.2026, which is on record. Raising submissions in tandem with the said reply, 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 seeks to place on record custody certificate dated 4.4.2026 in Court, which is taken on record.

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

6. The petitioner was arrested on 20.7.2025 wherein after investigation was carried out; challan was prepared on 11.12.2025 and subsequently filed. Charges in the present case were framed on 13.4.2026. Total 14 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 at Bar 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.

6.1 As per custody certificate dated 4.4.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 5 months and 21 days. As per the said custody certificate, the petitioner is stated to be involved in 3 more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is



ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. 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.

9. Ordered accordingly.

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

(SUMEET GOEL)
JUDGE

22.4.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No