



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

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CRM-M-14314-2026 (O&M)
Date of decision : 20.04.2026

Kanav Kapoor

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sarvesh Malik, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J.

This petition for bail is the fourth 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.78 dated 14.06.2025, for the commission of offence punishable under Sections 318(4), 61(2) and 238(c) of Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS', Police Station Cyber Crime, Sector-20, Panchkula.

2. The abovementioned FIR came into being in the backdrop of following facts:-

‘on 14.06.2025, ASI Satish Kumar got a tip-off from a reliable source that Karan Kumar living in ‘Krishna Homes Dhakauli’ was involved in the activities of misleading labour class people belonging to Bihar, and that in name of providing them benefit under various Government Schemes, he used to facilitate the



opening of their Saving Bank Accounts, in the Bank, and therefore, collect their passbooks, cheque books, ATM Card and mobile phone SIM registered with the Bank and then the abovementioned bank accounts for online fraud. It was also informed that Kanav Kapoor (the petitioner herein) was also involved with him, who used to collect the Saving Bank Account details, from Karan Kumar, from different persons, and that on that day, Kanav Kapoor was likely to meet Karan Kumar.

It is the case of the prosecution that in view of abovementioned information, a raid was conducted, wherein co-accused of the petitioner Karan Kumar was apprehended and from his possession 18 ATM cards and 12 passbooks along with cheque books related to different persons were recovered. According to prosecution, from the possession of petitioner Kanav Kapoor, one laptop, six mobile phones, seven mobile SIM cards were recovered. As per prosecution when the recovered documents were examined, it was found that the cheque books found in the possession of petitioner belonged to various account holders and against those account number 166 online cyber fraud complaints were filed, involving a sum of Rs.13,46,00,000/-.'

3. It is the case of the prosecution that in view of abovementioned development, formal FIR of this case was lodged and the investigation taken up.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.



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. According to learned counsel for the petitioner, the offence is triable by the Court of Judicial Magistrate, and that the petitioner is already in custody for a period of almost ten months. As per learned counsel for the petitioner, nothing has been left to be recovered from the possession of petitioner and that the trial is not likely to be concluded in near future, and therefore, the petitioner is entitled for the benefit of bail.

7. In addition to above, it has also been contended by learned counsel for the petitioner that the third bail petition filed by the petitioner was dismissed on 17.02.2026, and after the dismissal of third bail petition, the benefit of bail to co-accused of the petitioner, has been accorded, and thus, the petitioner has got a right to maintain this fourth petition for bail.

8. The learned State Counsel has controverted the abovementioned arguments. It has been contended by learned State Counsel that the allegations in the present case are of serious nature, as the proximity of petitioner with the commission of crime is proved from the fact that the cheque book, passbooks and ATM Cards pertaining to Saving Bank accounts of others were recovered from the possession of petitioner, and his co-accused, and that with regard to those Saving Bank Accounts, 166 online cyber fraud complaints were registered.

9. The record has been perused carefully.



10. 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 almost ten months;
- (ii) that although this is fourth petition for bail filed by the petitioner, but the same is maintainable, as the record shows that after the dismissal of third bail petition, the co-accused of the petitioner, namely 'Karan Kumar', has already been accorded the benefit of bail by this Court, and thus, the petitioner has got a right to maintain this fourth petition for bail;
- (iii) that the petitioner has no criminal antecedents;
- (iv) that the trial is not likely to be concluded in near future;
- (v) that nothing has been left to be recovered from possession of petitioner;
- (vi) that the detention of petitioner in judicial lock up is not likely to serve any purpose;
- (vii) 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
- (viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

11. 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 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”.

12. 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”.

13. 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”.

14. 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.

15. 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.

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 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

20.04.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No