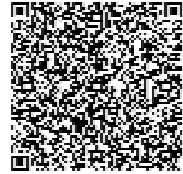


2026:PHHC:043925



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

CRM-M-14104-2026

Date of Decision: 19.03.2026

Date of Uploading: 20.03.2026

Ahmed Majeed Uddin

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Paras Jagga, Advocate
for the petitioner.

Mr. Baljinder Singh Sra, Addl. A.G, Punjab.

Mr. Navjot Dhiman, Advocate
for respondent No.2-complainant.

SUMEET GOEL, J.(Oral)

Present second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (439 of Cr.P.C.), for grant of regular bail to the petitioner in case bearing FIR No.007 dated 10.09.2025 registered for the offences punishable under Sections 318(4), 61(2) of the BNS, 2023 (old Sections 420 and 120-B IPC), at Police Station Cyber Crime, Fatehgarh Sahib, District Fatehgarh Sahib.

2. The gravamen of allegations against the petitioner is that in

November 2022, on the suggestion of his friend, complainant Sham Sunder contacted the petitioner, who represented himself as the owner of A.M. Traders, Hyderabad. During a WhatsApp video call from mobile number 90302-74901, the petitioner showed scrap goods and proposed a deal worth Rs.90,00,000/- for 500 tons of scrap. On 29.11.2022, the complainant transferred a sum of Rs.90,00,000/- from his firm's bank account No.50200057973087 to the account of A.M. Traders, Hyderabad having No. 333305500312. However, the petitioner neither supplied the scrap goods nor refunded the payment and on inquiry, he misrepresented that bank approval was pending for the purchase and later demanded an additional amount of Rs.10,00,000/-, reportedly for 'approval from Delhi'. Thereafter, a person identifying himself as Pramod Kumar, resident of Sector-7, Rohini, Delhi, contacted the complainant from mobile number 99998-42234, claiming association with the petitioner and asked the complainant to transfer Rs.10,00,000/- on UPI ID *osmstordelhi-1@okicici*. When the complainant suspected fraud, he realized that the petitioner and Pramod Kumar had conspired to cheat him for a sum of Rs.90,00,000/- on the pretext of selling scrap.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 04.12.2025. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated into the FIR in question. Learned counsel has further submitted that the FIR in question emanates from essentially business/civil/commercial dispute, which has since been resolved and terms of the compromise have been recorded vide

a written compromise deed dated 17.02.2026 (copy whereof has been appended as Annexure P-9 with the present petition). Learned counsel has further submitted that the petitioner is a man of clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 17.03.2026 in the Court, which is taken on record.

5. Learned counsel for the complainant has ratified the aspect of matter having been settled amicably between the private parties.

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

7. The petitioner was arrested on 04.11.2025, whereinafter investigation was carried out and Challan was presented on 24.12.2025. Total 13 prosecution witnesses have been cited and it is conceded case before this Court that none has been examined till date. 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.

7.1. As per custody certificate dated 17.03.2026 filed by the

learned State counsel, the petitioner has already suffered incarceration for a period of about 04 months and 13 days and he is not involved in any other case.

7.2. Indubitably, the present petition is the 2nd attempt by the petitioner to seek regular bail. The first bail plea preferred by the petitioner was dismissed as withdrawn on 10.02.2026. However; keeping in view the extended custody of the petitioner as also the matter having been settled by way of a written compromise deed dated 17.02.2026, i.e. after the withdrawal of the first bail petition, this Court is inclined to affirmatively consider the petition in hand. Reference in this regard can be made to a judgment of this Court passed in **CRA-S-2332-2023** titled as **Rafiq Khan versus State of Haryana and another**; relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I. Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III. For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV. No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V. In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a

Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

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

8. 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 trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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 cellphone 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.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/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.

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

March 19, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

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