



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

Sr.No.239

**CRM-M-14830-2026
Decided on : 18.04.2026**

Mohd. Usman

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Sanyam Khetarpal, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Senior DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.214 dated 28.08.2025, registered under Section 318(4) of BNS, 2023 (Section 61(2) of BNS, 2023 added lateron) at Police Station P.S.Cyber Crime NIT, Faridabad.
2. Brief facts as per the prosecution case are that the petitioner alongwith co-accused committed an online fraud with the complainant for an amount of Rs.6,71,500/-. Hence the present FIR.
3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that neither the petitioner was present at the spot nor he has any concern with the said offence and the allegations levelled against him are



false. He further contends that there is no direct evidence to connect the petitioner with the said offence. Even if the story of the prosecution is taken to be true, even then the only role attributed to the petitioner is that he procured bank account for cyber fraud commission. No recovery is to be effected from the petitioner. The petitioner is in custody since 01.10.2025 and he has clean antecedents. The investigation in this case is complete, challan stands presented and charges have been framed. Learned counsel further submits that out of 07 prosecution witnesses, none has been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

Learned State counsel has filed the custody certificate as well as status report which are taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he could not controvert the fact that the petitioner is the first time offender as he is not involved in any other case.

11. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 06 months and 16 days; the investigation in this case is complete; challan stands presented; charges have been framed; out of 07 prosecution witnesses, none has been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.



12. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

14. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

18.04.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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