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

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Date of Decision: 22.05.2026

Mujahid

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Dr. Mohammad Arshad, Advocate for the petitioner.

Ms. Shaveta Sanghi, 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.52 dated 28.05.2025, registered under Section 318(4), 319, 121(1), 132, 221, 351(3), 241 and 3(5) of BNS, 2023, at Police Station Akera, District Nuh.

2. Brief facts as per the prosecution case are that the petitioner along with other co-accused had committed cyber fraud and duped the innocent persons. Hence the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the alleged fraud. He argued that there is no incriminating evidence on record to connect the petitioner with the alleged offence. He

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submitted that the material witnesses have not supported the case of the prosecution and have been declared hostile. To lend force to his contention, he has drawn the attention of this Court to the statements of Mohd. Akil (PW-1) and Alia (PW-2), made before the trial Court wherein none of them have supported the case of the prosecution and turned hostile. Moreover, the petitioner has clean antecedents as he is not involved in any other case. No recovery is to be effected from the petitioner. The petitioner is in custody since 08.09.2025. The investigation in this case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 11 prosecution witnesses and out of which, only 02 have been examined till date and as such, the 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.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner and status report in the matter, which are taken on record and while referring to the status report, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she has not controverted the fact that the material witnesses have been declared hostile and that the petitioner is a first time offender as he is not involved in any other case.

5. 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 more than 08 months; he has clean antecedents; investigation is complete; challan stands presented; charges framed; material witnesses have



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not supported the case of the prosecution and have turned hostile before the trial Court; out of 11 prosecution witnesses, only 02 have been examined till date; the complicity of the petitioner is a matter of trial, which is proceeding at snail's pace, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued 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.

6. 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*".

7. 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.

(RUPINDERJIT CHAHAL)
JUDGE

22.05.2026

D.Bansal

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