



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.117+217

CRM-M-22824-2026 in/and
CRM-M-15675-2026
Decided on : 22.05.2026

Hasin Khan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON’BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Ravi Ambawata, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

CRM-22824-2026

Through this application, a prayer has been made to amend the
prayer clause of the main petition as under:-

*“This First Petition under Section 483 of the Bhartiya Nagarik
Suraksha Sanhita, 023 with a prayer for granting of regular
bail in pending trial to the petitioner in case FIR No.: 167
dated 23.08.2025, under Sections: 318(4), 319(2), 336(3), 338,
340 (2), 241 of BNS, 2023 and Section 42(3)(E) of the
Telecommunication Act, 2023, Police Station : Cyber Crime,
Nuh.”*
Heard.



For the reasons, mentioned in the application, the same is allowed. Registry is directed to make necessary correction/addition in the prayer clause of the main petition.

CRM-M-15675-2026

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.167 dated 23.08.2025, registered under Sections 318 (4), 319(2), 336 (3), 338, 340 (2), 241 of BNS, 2023 and Section 42 (3) (E) of the Telecommunication Act, 2023, at Police Station Cyber Crime Nuh.
2. Brief facts as per the prosecution case are that the petitioner committed cyber fraud and duped the innocent persons and on search, a mobile phone and four SIM cards were recovered from him. 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 the allegations levelled against the petitioner are false and he has no concern with the said offence. Learned counsel contends that there is no direct evidence to connect the petitioner with the said offence. He further contends that the entire evidence in the present case is documentary in nature and no money trail is to be traced or recovery is to be made from the petitioner. The petitioner is in custody since 23.08.2025 and he has clean antecedents as he is not involved in any other case. The investigation in this case is complete; challan stands presented; charges have been framed and out of 14 prosecution witnesses, 05 have been given up. Learned counsel further submits that trial will take a long time to conclude and no useful



purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the present petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate which is taken on record. The status report has already been filed. 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 has not controverted the fact that the petitioner is the 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 the last more than 08 month and 28 days; he has clean antecedents as he is not involved in any other case; the investigation in this case is complete; challan stands presented; charges have been framed 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 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 in this regard is placed upon a judgment of the Hon'ble Supreme Court 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.

22.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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