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

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Date of Decision: 05.05.2026

Ratan Shashi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, 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) and 61(2) of BNS, 2023, at Police Station P.S. Cyber Crime NIT, Faridabad.

2. Brief facts as per the prosecution case are that the petitioner along with 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 has submitted that the petitioner has been falsely implicated in the present case. He further submitted that the petitioner was neither named in the FIR, nor has any concern with the alleged fraud and initially, the FIR was registered against

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unknown person. He argued that the petitioner was working as a part time Cook of co-accused/account holder-Vishal and he used to withdraw money from the ATM card of said co-accused for groceries etc., on his instructions. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He argued that there is no incriminating evidence on record to connect the petitioner with the alleged offence. Further, co-accused Mohd. Usman has already been granted the concession of regular bail by this Court, vide order dated 18.04.2026. 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 01.10.2025. The investigation in this case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 07 prosecution witnesses but none has 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, which is taken on record and while referring to the status report already filed in the matter, 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 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



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perusing the record of the case, it is evident that the petitioner is in custody for more than 07 months; he has clean antecedents; investigation is complete; challan stands presented; charges framed; out of 07 prosecution witnesses, none has 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

05.05.2026

D.Bansal

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