



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

228

CRM-M-16612-2026

Date of decision : 02.04.2026

Date of uploading : 02.04.2026

GURWINDER SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vikram Jeet Singh, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.113 dated 25.06.2024 under Sections 420, 120-B of the IPC (corresponding Sections 318(4), 61 of BNS), registered at Police Station Cyber Manesar, District Gurugram.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To, Manager, Police Station Cyber Manesar, Gurugram. Sir, It is humbly submitted that I, Mohit Kumar son of Satveer Singh, am currently residing as a tenant in village Nakhadaula, Manesar. I have started business in partnership in the name and style of Ganesh Shuttering Store near Lakshmi Hotel in Nakhadaula. My wife Situ Kumar teaches and undertakes coaching/tuition for children. I saw the videos/information about travelling abroad on the social media platform Instagram page named Planetguideoverseasch and its YouTube channel where a person named Gurvinder has posted many videos about sending abroad. I was impressed by his videos. After that, my conversation started on the number shown in the videos/Instagram page. They shared with me the mobile number of a girl named Neha 9780082123/9015157439. Thereafter I had a conversation with Neha and she called me to meet her at her office SCO No. 1130, 2nd Floor, Sector 22-B, Chandigarh and said that I will arrange



meeting with my boss/senior Gurvinder and Anmol. In February 2024, I went to her office in Chandigarh where I met Gurvinder, who told me that his partner Anmol resides in U.K. and we all arrange your work visa for U.K.. Gurvinder assured me that my partner Anmol after getting completed procedure within two month will send you to U.K. The deal was settled for an amount of Rs. 25 lakhs and they asked me to arrange the amount. They thereafter sought COS letter from U.K. and t asked me to deposit Rs. 12.50 lacs and for this purpose they gave me two Bank Account numbers i.e. Yes Bank A/c No. 044663300000354 IFSC YESB0000466 and ICICI Bank Account No. 370501000568 IFSC-ICIC0003705. I got transferred Rs. 13 lakhs and Rs.2.50 lakhs respectively in March 2024 through my bank account number PNB A/C No. 1021000100567834 and HDFC Bank A/c No. 50100424812520 through netbanking. After this Neha told me that U.K. Govt. have changed the rules, they will again sought COS letter from U.K. and for this purpose the deal was settled for an amount of Rs. 2.50 lakhs. I gave the said amount in cash to Neha in her office at Chandigarh. On the same day they gave me a date of 24th at VFS Chandigarh for Biometric. When I went to VFS Chandigarh on 24 May 2024, then I was told that you have no for biometrics and your COS letter is also fake. Then I went to their office and I came to know that their office is closed for the last 10-15 days. In this way, they have cheated me to the tune of Rs. 18 lakh. I used to have communication with Anmol on his mobile No. 9888901426 and Gurvinder (9417092154) and Neha (9780082123) only through WhatsApp. The Print out of whatsapp chat with Neha is attached. Please take legal action against them. SD/ Mohit Kumar Mob.No. 9050843584. Today in Police Station Cyber Manesar a c complainant from Mohit Kumar son of Satveer Singh currently a tenant of village Nakhadaula, Manesar Mob. No: 9050843584, complaint (21306240021891) dated 03.06.2024 against the fraudster in the name of sending the complainant abroad on online Instagram for arranging visa have cheated with an amount of Rs.18 lakh through online advertisement. From the perusal of substance of the complaint and the technical investigation, it is found that offence under Section 420, 120-B IPC has been committed. The above said offence under above provisions of IPC has been registered. The computerized copies of the FIR are being prepared and will be sent to the Illaqa Magistrate and higher authorities for information. A special report of the prosecution will be prepared and sent to Illaqa Magistrate and Officer through email for information and necessary action. The original complaint and case file for conducting further investigation will be undertaken by SI Parmod No. 102/GGM. This FIR is being registered in the presence of SI Pramod 102/GGM."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 26.08.2025. Learned counsel has further submitted that the petitioner was merely helping the FIR complainant in pursuing going abroad, and since the same did not fructify to the satisfaction of the FIR complainant, he has been implicated in the FIR in question. Learned counsel has further submitted that, in order to show his bona fides, the petitioner had even later on returned some money to the complainant.



Learned counsel has further submitted that the petitioner is now in custody for about 7 months. Learned counsel has further submitted that the trial emanating from the FIR in question is a magisterial one and that its culmination will take a long time. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 02.04.2026 in Court, which is taken on record.

5. I have heard learned counsel for the rival parties and perused the record. Before delving into the matter in hand, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429***, relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail



Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. *A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution."*

5.1. Further, the Hon'ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118***, has held as under:-

"Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end."

5.2. Furthermore, the Hon'ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40***, has held as under:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of



bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. *From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."*

6. The petitioner was arrested on 26.08.2025 wherein after investigation was carried out and challan stands presented on 24.10.2025. Total of 10 prosecution witnesses have been cited, but none has been examined till date, and charges have not yet been framed. It is not in dispute that the trial emanating from the FIR in question is a magisterial one. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel 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.

6.1 As per custody certificate dated 02.04.2026 filed by learned



State counsel, the petitioner has already suffered incarceration for a period of 7 months and 5 days and is shown to be involved in other cases. As per the said custody certificate, the petitioner is stated to be involved in other cases. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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

7. 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 CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/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 cell-phone 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.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/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.

9. Ordered accordingly.

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

(SUMEET GOEL)
JUDGE

02.04.2026

jatin

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No