



CRM-M-17339 of 2026

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-17339 of 2026

Date of Decision: 28.04.2026

Aarif

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Nafeesh Ahmed, 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.13 dated 17.01.2026 registered under Sections 318(4), 319, 336(3), 338 and 340(2) of the Bharatiya Nyaya Sanhita and Section 42(3) of the Telecommunication Act, at Police Station Cyber Crime Nuh, District Nuh.
2. Brief facts of the present case are that upon secret information, the petitioner was apprehended and on search, one mobile and SIM were recovered from him and on checking, it was found that the said SIM was linked to one cyber fraud complaint. 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

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concern with the said offence. He argued that the petitioner is not the beneficiary in any manner as no amount was credited in his account. He argued that the present FIR was registered by the police on secret information and recovery of mobile phone and SIM has been falsely planted against the petitioner. He further argued that there is no incriminating material on record to connect the petitioner with the alleged offence and therefore, bald and frivolous allegations have been levelled against the petitioner. He further argued that even if the prosecution case is believed to be true, then also the only allegation against the petitioner is of committing cyber fraud amounting to Rs.1,000/- only. The petitioner is in custody since 18.01.2026. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 08 prosecution witnesses and out of which, only 01 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. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She has further submitted that the petitioner is involved in one more case of similar nature meaning thereby he is a habitual offender.

6. 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



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for the last more than 03 months; investigation is complete; challan stands presented; charges framed; out of 08 witnesses, only 01 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 trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. 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*".

8. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-



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"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. 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

28.04.2026
D.Bansal

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