



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M No.17248 of 2026 (O&M)
Date of Decision: 11.05.2026

Rohit Bhardwaj

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Deepender Singh, Sr. Advocate with
Mr. Ashish Azad, Advocate and
Mr. Nipun Gupta, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.10 dated 15.01.2026 for the commission of offence punishable under Sections 318(4), 319 [Sections 241 and 61(2) added later on], of Bharatiya Nyaya Sanhita 2023, Police Station Cyber South, District Gurugram.

2. The FIR of this case came into being at the instance of 'Deepak Chugh', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that on 08.09.2025 he was contacted through a message on 'Telegram' and then shifted to whatsapp, whereby he was introduced to a global trading site by 'Ms. Aishwarya Deshpande' whatsapp number +447349785945. According to above named complainant, 'Aishwarya Deshpande' conveyed him that she was getting higher profit in



trading in USDT/Bit coins over a period of time and convinced him for investment therein. As per complainant on the asking of 'Aishwarya Deshpande', he got himself registered at a particular website and invested money, but later on he found that he had been subjected to fraud.

3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up. According to prosecutions during the course of investigation, the bank account which had shared the proceed of crime were examined and it was found that one of the bank account 925020026022705 in the name of 'Dinesh Enterprises' was used for receiving a part of proceed of crime. It is the case of the prosecution that petitioner being an employee of Axis Bank was instrumental in the opening of above mentioned account, and he was one of the beneficiary of the proceed of crime, which was transferred into the said account.

4 The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. Reply on behalf of state is already on record.

5. Heard.

6. It has been contended by learned Senior counsel for the petitioner that the petitioner has already suffered incarceration for a period of more than three months, and that the offence is triable by the Court of Judicial Magistrate and the maximum punishment prescribed for the commission of offence is imprisonment up to 7 years. It has also been contended by learned Senior counsel for the petitioner that the petitioner is innocent who has nothing to do with the alleged fraud, and that the only role attributed to the petitioner is that



he being an employee in the marketing team of Axis Bank, was responsible for the opening of bank account in the name of 'Dinesh Enterprises', wherein a sum of Rs.50,00,000/- was received. According to learned Senior counsel for the petitioner, the above mentioned account was opened being an employee of the marketing team of the bank, and that the petitioner is not beneficiary of above mentioned proceed of crime, as not even a single penny has been received by the petitioner from the proceed of crime.

7. The learned State Counsel has controverted the abovementioned arguments. According to learned State counsel enough evidence has been collected against the petitioner, and that the petitioner was responsible for opening the bank account in a dubious manner as instead of supplying proper information to the bank with regard to 'Dinesh Enterprises', he gave a false report, which was responsible for the opening of the bank account. It has also been contended by learned State counsel that one of the co-accused namely 'Pintu' has transferred a sum of Rs.60,000/- into the account of father- in-law of the petitioner, and thus, the necessary link between the commission of crime and the present petitioner stands proved.

8. The record has been perused carefully.

9. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

- i) that the petitioner is already in custody for a period of more than three months;
- ii) that the investigation in this case is already complete and, therefore, nothing has been left to be recovered from the



- possession of petitioner;
- iii) that the offence is triable by the Court of Judicial Magistrate;
 - iv) that the maximum punishment prescribed for the commission of offence is imprisonment up to 7 years;
 - v) that the petitioner has clean antecedents;
 - vi) that except the allegations that he was responsible for opening of bank account, there is nothing on evidence to show that the petitioner was part of the conspiracy which was hatched to defraud the complainant;
 - vii) that any part of the proceed of crime was never transferred into the account of petitioner;
 - viii) that the transaction between the father-in-law and co-accused Pintu cannot be attributed to the petitioner particularly, when the above mentioned transaction is nowhere related to the present petitioner;
 - ix) that the trial is not likely to be concluded in near future;
 - x) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
 - xi) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
 - ix) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in trial.

10. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus



has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 SCC 51 are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of



a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

12. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

13. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

14. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

15. Accordingly, without commenting anything on the merits of the



case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the abovesaid benefit shall be subject to following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any other authority;
- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission of trial Court.

16. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

11.05.2026
Manoj Bhutani

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