



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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CRM-M-23177-2026.

Date of Decision: 30.04.2026.

Irfan Hussain @ Akhtar

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sumit Dua, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, Senior Deputy Advocate General,
Haryana

SANJAY VASHISTH, J. (Oral)

Petitioner-Irfan Hussain @ Akhtar, aged 47 years, has filed the instant petition under Section 483 of BNSS, 2023, seeking regular bail in case FIR No.158 dated 18.08.2025 under Sections 318(4), 319(2), 3(5) of BNS, 2023, registered at Police Station Gurugram-53, District Gurugram.

2. Complainant-Parvej Ajam got registered the FIR with the allegations that he is working as interpreter. On 16.08.2025, he was working with Amngylych Ballyeb, r/o Turkministan. The treatment of the son of Amngylych Ballyeb was going on in Artemis Hospital and they were staying in House No. 523, Koyal Vihar, Sector-52, Gurugram. On 17.08.2025, around 9:35 p.m., his client Amngylych Ballyeb alongwith his father left for Artemis Hospital, Gurugram. A vehicle came near their room in which four persons were sitting. They stopped Amngylych Ballyeb and told him to show his

passport and documents. He had shown the documents. There were 4800 American Dollars and Rs.8000/- in the documents. Those persons had taken away the money and returned the documents. They committed cheating with Amngylych Ballyeb. On his complaint, the present FIR was registered.

3. Learned counsel for the petitioner contends that in FIR, names of none of the accused is mentioned. Petitioner has been implicated in a false case in which investigation has already been completed. During investigation nothing material has been recovered from the petitioner. The offences are triable by the Court of Magistrate. Moreover, conclusion of trial is also likely to consume considerable period and the petitioner is already inside jail for the last 08 months and 12 days. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

4. On the other hand, learned State counsel submits that after arresting the petitioner, at his instance, 400 US Dollars were recovered from his possession. However, the other submissions as addressed by counsel for the petitioner have not been controverted, including that petitioner is inside jail for the last more than 08 months. However, referring to Paragraph 9 of the petition, learned State counsel submits that petitioner is habitual offender in such like cases, therefore, he does not deserve any leniency in regard to releasing him on bail.

5. I have considered the submissions addressed by the respective counsel.

6. Admittedly, petitioner is inside jail for a period of 08 months and charges are yet to be proved, till date the petitioner is not a convict in any criminal case, process of recording of statement of prosecution witnesses is yet to start and the offences are triable by the Court of Magistrate. The alleged

recovery of 400 US Dollars has already been effected. Thus, further detention of petitioner inside the jail would serve no purpose. Considering all these facts, this Court is of the considered opinion that the petitioner deserves the concession of regular bail. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

Consequently, the present petition is **allowed**. Petitioner is ordered to be released on regular bail, subject to his furnishing bail/ surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. **Petition stands disposed of accordingly.**

Pending application(s), if any, also stand disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

30.04.2026

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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No