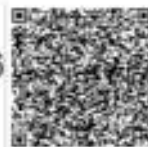


2026.PHHC:079956



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

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CRM M-27146-2026 (O&M)

Date of Decision: 19.05.2026

Devinder @ Devendra

...Petitioner (s)

Vs.

State of Haryana and another

...Respondents(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr.Keshav Pratap Singh, Advocate
Mr. Rajat Singh, Advocate
Mr. Bharat Singh, Advocate and
Mr. Sarfaraj Gill, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 483 of the BNSS, 2023, with a prayer to grant him regular bail in case FIR No.94 dated 08.12.2025 under Sections 318(4), 319(2), 336(3), 338, 340(2), 61(2) and 238 of BNS, 2023 registered at Police Station, Cyber Crime, Ambala, District Ambala.

2. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor the allegations levelled in the FIR connect him with the crime in any manner. In fact, the allegations were levelled by the complainant against an individual, namely, Ramesh, his associate. However, during the course of investigation, it was allegedly found that an amount of Rs.5,78,900/-

was allegedly transferred in the account of the petitioner on 08.07.2025 and, subsequently, the said amount was further transferred to various bank accounts, as per the details mentioned in the present petition. On the strength of such weak evidence, the petitioner was arrested on 14.02.2026 and his disclosure statement was recorded. Even, as per the said disclosure statement of the petitioner (Annexure P-1), he had only received an amount of Rs.35,000/- out of the above said transfer of money in the form of commission. He further contends that the petitioner has already returned the whole amount of Rs.5,78,900/- to the complainant, which is clear from the statement of the complainant dated 03.04.2026 (Annexure P-2). Learned counsel further contends that the petitioner himself is a victim in the present case as he was defrauded by his own friend. In fact, he was kept in the dark and was never informed that his account may be misused for any illegal financial transaction. Moreover, the petitioner is in custody since 14.02.2026 and after completion of investigation, *challan* has already been presented against him.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

4. I have heard learned counsel for the parties and perused the record very carefully.

5. At this stage, it is observed that the object of the bail is to secure the presence of the accused at the trial only. It is also observed

that the object of bail is neither punitive nor preventive and deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. Hon'ble the Supreme Court has observed in catena of judgments that when a person is punished by denial of bail in respect of any matter upon which he has not been convicted it would be contrary to the concept of personal liberty enshrined in the Constitution except in cases where there is reason to believe that he may influence the witnesses. It is appropriate to say that pre-conviction detention should not be resorted to, except in cases of necessity to secure attendance at the trial or upon material that the accused will tamper with the witnesses if left at liberty.

6. Hon'ble the Supreme Court in ***Gudikanti Narasimhulu and others v. Public Prosecutor, AIR 1978 SC 429*** has held as under:-

“Bail or Jail”- at the pre-trial or post-conviction stage - largely hinged on judicial discretion. The learned Judge held that personal liberty was too precious a value of our constitutional system recognised under Article 21 that the crucial power to negate it was a great trust exercisable not casually but judicially, with lively concern for the cost to the individual and the community. It was further held that deprivation of personal freedom must be founded on the most serious considerations relevant to the welfare objectives of society specified in the Constitution. The learned Judge quoted Lord Russel who had said that bail was not to be withheld as a punishment and that the requirements as to bail were merely to secure the attendance of the prisoner at trial. According to V.R. Krishna Iyer, J., the principal rule to guide release on bail should be to secure the presence of the applicant to take

judgment and serve sentence in the event of the Court punishing him with imprisonment. After holding that it makes sense to assume that a man on bail has a better chance to prepare and present his case than one remanded in custody the learned Judge observed that if public justice is to be promoted mechanical detention should be demoted”.

7. In ***Gurbaksh Singh Sibbia etc Vs The State of Punjab, AIR 1980 SC 1632***, Hon’ble the Supreme Court has observed as under:-

*“Judges have to decide cases as they come before them, mindful of the need to keep passions and prejudices out of their decisions. The Court has also observed that in which case bail should be granted and in which case it should be refused is a matter of discretion. The court found it interesting to note that as long back as in 1924 it was held by the High Court of Calcutta in Nagendra Vs. King Emperor, AIR 1924 Calcutta 476, that the object of bail was to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused was whether it was probable that the party would appear to take his trial and that it was indisputable that bail was not to be withheld as a punishment. The Supreme Court also referred to the observation of the Allahabad High Court in ***K.N. Joglekar Vs. Emperor, AIR 1931 Allahabad 504***, that Section 498 of the Old Code which corresponds to Section 439 of the New Code, conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. The Allahabad High Court had also observed that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only*

principle which was established was that the discretion should be exercised judiciously. The Supreme Court referred also the decision of the Allahabad High Court in Emperor Vs. H.L. Hutchinson, AIR 1931 Allahabad 356, wherein it was held that the principle to be deduced from the various sections in the Cr.P.C. was that grant of bail is the rule and refusal is the exception, that as a presumably innocent person, the accused person is entitled to freedom and every opportunity to look after his own case and to establish his innocence and that an accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. The High Court had also held that it would be very unwise to make an attempt to lay down any particular rules which would bind the High Court, having regard to the fact that the legislature itself left the discretion of the Court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes bail may be granted but not in other classes. The Supreme Court apparently approved the above views and observations and held (vide paragraph 30) as follows :

"It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail."

8. In the present case, serious allegations of online fraud have been wrongly levelled against certain individuals by the complainant. However, it is not in dispute that an amount of Rs.5,78,900/- was allegedly transferred to the account of the petitioner, which he has

already returned to the complainant. Moreover, the petitioner is in custody for the last about three months and *challan* has already been presented against him. All the offences in the present case are triable by the Court of Magistrate and he is not the main kingpin of the offence. Only allegation against him is that his account was misused by his co-accused, thus, his case is clearly distinguishable from the case of his co-accused.

9. In view of the above, without commenting any further on the merits, 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.

19.05.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No