



CRM-M-33326-2026

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

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Date of Decision: 15.06.2026

Akash

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Omesh Garg, Advocate and
Mr. Harsh Kinra, Advocate for the petitioner
Mr. Shubham Mangla, Additional Public Prosecutor
for respondent-U.T. Chandigarh

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') is seeking grant of regular bail in FIR No.11dated 18.01.2026 under Section 112(2), 317(2) and 61(2) of Bhartiya Nyaya Sanhita, 2023 (for short 'BNS') registered at Police Station Cyber, Chandigarh.

2. As per FIR, case of the prosecution is that the petitioner has received a sum of ₹4,60,000/- and ₹18,000/- in his account. The said amount is outcome of cyber-crime. The petitioner has withdrawn ₹4,60,000/- from his bank account.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has already returned a sum of ₹18,000/- and would deposit ₹4,60,000/- to the Investigating Officer within a week from today. He is in custody since 18.01.2026. He is not involved in any other offence and undertakes not to involve in future in such or a similar crime. The petitioner



is permanent resident of Naya Gaon, District S.A.S. Nagar (Mohali). He has deep roots in the society. There is no possibility to flee from justice.

4. Custody certificate dated 15.06.2026 is taken on record. As per custody certificate, the petitioner is in custody since 18.01.2026 and is not involved in any other offence.

5. Learned State Counsel submits that police report has already been filed and charges stand framed. He further submits that out of 9 witnesses, only one has been partially examined. The petitioner is involved in the commission of grave offence, thus, no leniency is warranted and release of petitioner would hamper the trial.

6. A two judge Bench of Hon'ble Supreme Court in ***Satender Kumar Antil v. CBI; (2022) 10 SCC 51***, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

7. Intent of arrest and reason of denial of bail is to:

i) Secure the appearance of the accused at the time of trial;



- ii) allay possibility of repeating of offence & jeopardising own life on account of grim prospect of being convicted; and
- iii) Avoid possibility of tampering of evidence and security of witnesses who may be pressurised or maltreated.

8. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction. Detention or arrest not only deprives a person from his fundamental right of personal liberty guaranteed by Article 21 but also freedom guaranteed by article 19(1) of our Constitution.

9. The petitioner is in custody since 18.01.2026 and is not involved in any other offence. Police report under Section 193 BNSS stands filed and charges stand framed. He is ready to deposit ₹4,60,000/- with the Investigating Officer within a week from today. The Trial Court yet has to return definite findings on the disputed issues. There are 9 prosecution witnesses and till date only one has been partially examined, thus, there is abysmally low possibility of conclusion of trial in near future. As prosecution has right to arrest, investigate the matter and restrain an accused from manipulating or winning over witnesses, similarly accused in view of Article 21 of the Constitution of India has right to defend himself and put forth his stand which cannot be possible while in custody. Twin stringent conditions of bail prescribed under special statutes like PMLA, UAPA, NDPS Act, Companies Act are not applicable in the case in hand. The

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petitioner is permanent resident of Naya Gaon, District S.A.S. Nagar (Mohali) and staying with family members. The prosecution has not led any convincing/plausible documentary or oral evidence indicating possibility of petitioner being flee from justice or tampering the evidences or winning over/threatening the witnesses.

10. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed subject to deposit of conceded amount of ₹4,60,000/- with the Investigating Officer within a week from today. The Investigating Officer shall be at liberty to release the said amount to the complainant as well as other affected parties. On deposit of aforesaid amount, the petitioner shall be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

11. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

12. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

15.06.2026*Mohit Kumar*

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