



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

231

CRM-M No.40863 of 2025 (O&M)
Date of Decision: 15.01.2026

Dinesh

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Ms. Karamjeet Sharma, Advocate for
Ms. Amarjit Kaur, Advocate the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 318(4) and 319(2) of Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as “BNS”, the FIR No. 101 dated 16.04.2025 has been lodged in Police Station Cyber Crime, District Palwal. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is Ist petition for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the complaint of ‘Bihar Lal’ 78 years old person, hereinafter being referred to as ‘complainant’ only. It was complained by the above named complainant that his mobile number 9812357275 which was linked to his bank account was fraudulently ported from ‘Idea’ to ‘Jio’, and it



was got issued in the name of 'Chanchal'. As per complainant, thereafter, by creating UPID through above mentioned mobile phone a sum of Rs.14,36,683/- was withdrawn from his account, and thus, he was subjected to a fraud.

3. It is the case of the prosecution that on the basis of above mentioned complaint formal FIR of this case was lodged and the investigation taken up. As per prosecution, during the course of investigation with the help of scientific tools it was established that the fake ID was created by the petitioner and the money from the account of complainant was transferred into the account of petitioner.

4. Notice of motion.

5. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

6. Heard.

7. It has been contended on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime and he has been falsely implicated in the present case. As per petitioner the offence is triable by the Magistrate and the petitioner has already suffered lot of incarceration for being in custody for a period of almost 9 months. According to learned counsel for the petitioner the trial is taking place at a slow pace as out of 30 only 1 witness has been examined so far. While claiming that detention of petitioner is not likely to serve any purpose, the learned counsel for petitioner has requested for the benefit bail.

8. The learned State counsel has controverted the above mentioned



arguments. It has been contended by learned State counsel that the nexus between the commission of crime and the petitioner stands proved from the fact that *firstly*, the SIM Card belonging to the complainant was used in the mobile phone of petitioner, *secondly*, the money so transferred was received into the account of petitioner, and *thirdly*, at the time of transfer of money the location of petitioner and the UPID were the same. As per learned State counsel, petitioner has criminal antecedents also as in addition to present case he has been prosecuted in three other cases also. The learned State counsel has contended that the trial is taking place at a reasonable pace and there is no inordinate delay therein.

9. The record has been perused carefully.

10. In the present case, at the threshold, it is relevant to mention here that in order to establish link between the commission of crime and the petitioner thorough scientific investigation has been conducted by the Investigating Officer and the link between the commission of offence and the petitioner has been established with the help of three components:-

1. that the SIM which was used for the purpose of fraud was used in the mobile phone of petitioner;
2. that the petitioner had received money in his account from the account of complainant;
3. that at the time of transfer of money the location of UPID which was used for transfer of money and the petitioner was the same;

11. The allegations against the petitioner are for the commission offence for which the prescribed punishment is imprisonment is up to 7 years



and there is no inordinate delay in the trial as the petitioner is in custody for a period of less than 9 months.

12. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby observed that the present petition is devoid of merit and deserve dismissal. Hence, the same is hereby dismissed accordingly. However, the learned trial Court is directed to expedite the trial.

(SURYA PARTAP SINGH)
JUDGE

15.01.2026
Manoj Bhutani

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