

2026.PHHC.010451



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

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**CRM-M-40573-2025 (O&M)
Date of decision : 23.01.2026**

Mukesh Nath**... Petitioner**

Versus

State of Haryana**... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Sudhir Rana, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. By way of the present petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner is seeking grant of regular bail in case arising out of FIR No.20 dated 27.09.2024, registered under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*) [Sections 61(B) and 238 of BNS added later on] at Cyber Police Station, Narnaul, District Mahendergarh.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by complainant Sunil Kumar alleging therein that he had been induced to part with a sum of Rs.1,18,47,353/- by way of cyber crime committed by the petitioners and the co-accused by alluring the complainant on the premise to invest money and to fetch profits. The money belonging to the complainant was shown to be transferred in the

bank account operated by the co-accused Vinod Piplodiya and Sanjay Kumawat @ Sanju. The trail of the crime also led to several accused who along with the present petitioner and one Kailash were apprehended on 27.12.2024 when all of them were indulged in committing online fraud by using cell phones and laptops in some premises. Recoveries of several mobile phones, ATM cards, cheque books, passbooks and sim cards etc. were effected from them. The investigation now stands completed and the petitioner along with the co-accused are facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he is in custody since 27.12.2024 i.e. for a period of over one year. There has been no progress in the trial. The prolonged period of his incarceration is a sufficient reason for seeking benefit of bail by him. He is not required for further investigation. He has clean antecedents. His continued detention would not serve any fruitful purpose. The subject offences are triable by Magistrate. Similarly situated co-accused Aman Dela, Parmod Kumar and Abhishek Sharma have already been granted concession of regular bail by this Court. On parity, the petitioner too deserves to be given the same benefit. It is, therefore, argued that he deserves to be extended benefit of bail and the petition deserves to be allowed.

4. Separate status reports have been filed by the respondent-State. In terms of the same, learned State counsel has argued that the petitioner is not entitled to get benefit of bail as there are serious allegations against him. He along with the co-accused was involved in committing cyber-crime by duping innocent persons of their money. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions.

6. It is well settled proposition of law that while considering an application for grant of bail, the Court has to take into consideration the factors as to whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence, circumstances that are peculiar to the case, likelihood of the offence being repeated, severity of punishment in the event of conviction and reasonable apprehension of the witnesses being threatened etc. At the same time, the period of incarceration is a relevant factor to be considered. In the instant case, the petitioner is in custody for a period of more than one year. The trial would obviously take considerable time to conclude. The petitioner does not have any criminal antecedents. The part attributed to him in the crime is that he had been working as employee of co-accused Nitesh, Hitesh and Om Parkash on salary basis along with co-accused Aman Dela, Parmod Kumar and Abhishek Sharma for transferring of money received by committing cyber frauds. Though his complicity in the crime is prima facie established from the allegations as levelled against him, however, he cannot be kept in custody for an indefinite period due to that reason. Moreso, similarly situated co-accused Aman Dela, Parmod Kumar and Abhishek Sharma have already been granted concession of bail by this Court as mentioned above. It is well settled that pre-trial incarceration should not be a replica of post conviction sentencing. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case lest the same prejudice the trial, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties to the satisfaction of learned

trial Court/CJM/Duty Magistrate concerned. His release on bail shall further be subject to following conditions:

- (i) He shall mark his presence before the SHO of the police station concerned **at 11:00 AM** on first Monday of every third month till conclusion of trial;
- (ii) He shall appear before the trial Court on each and every date fixed, unless his presence is exempted by specific order of the Court.
- (iii) He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card, if any, and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.
- (iv) He shall deposit his passport, if any, with the learned trial Court.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

23.01.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

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