



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114

CRM-M-46890-2025 (O&M)

Date of decision: 05.03.2026

Mohammad Aasif @ Ashu

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

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CRM-M-42966-2025 (O&M)

Date of decision: 05.03.2026

Mohammad Naseem

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Sumeet S. Brar, Advocate for the petitioner(s).

Mr. Paras Talwar, Sr. DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Both these petitions, filed by two accused/petitioners, for grant of regular bail in case bearing FIR No.351 dated 25.07.2024, registered under Section(s) 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 at Police Station City Jind, District Jind, are being decided by this common order. For the facility of reference, the facts are, however, being taken from CRM-M-46890-2025 titled as '*Mohammad Aasif @ Ashu Vs. State of Haryana*'.

2. FIR in the present case was registered on the complaint of Mamta. The same reads thus:-

“ xxxxxx Complaint against (1) Naseem Mobile No.

9255468586 Son Abdul Haleem (2) Shabana Mobile No.

9896679784 w/o Naseem (3) Mohammad Asif (Ashu) Mobile No. 9389401443 Son Naseem Resident Village Chandausi District Moradabad (U.P.) presently residing at Vishwakarma Colony, Street No. 23, Jind Ara Road Ward No. 10 for cheating, about getting our money back and taking strict legal action against the above accused. Sir, It is stated that I am Mamta wife Shri Jayaprakash permanent resident of Vishwakarma Colony, Ara Road, Ward No. 10, Jind Haryana. The above three accused used to provide loans from Bandhan Bank, Ujjivan Bank, RBL. Banks, Saija Bank, Unit Bank, Hitplast Bank, Arshivad Bank and their agents were in touch with them and these three (she used in Hindi) used to deceive all the colonists and take money by pretending to get loans and said that will they will provide you loans. She used to say to someone that I will increase your loan. In this way, the said three accused used to delude the colonists. That the said three accused have escaped on the night of 19.07.2024 and in this task, their brother-in-law Rafiq and Mukram and Nadeem who are residents of Chandausi, the above three persons came with a car in the night and took the three convicts. Some people from his street were involved in this work and now Raju son Nanak r/o Jind is living in the house of the above accused, some people from his street are also involved with the said Raju and the house is occupied and they say that we have purchased the said house and made a full payment agreement. Half of their

family is here and they say that we have some relation with this family and they say that she take money of one their brothers whose name is Naheem s/o Abdul Haleem and we have no hand in it, while we have full doubt that they all know and Raju has the contact number of the said three accused who can call the said accused at the tehsil office at the time of registry and the said accused have also taken lakhs of rupees in cash and jewelry etc. from many other people whose name given in FIR.”.

3. Learned counsel for the petitioner contends that the complainant executed certain documents so as to avail a loan facility and there is no material on record to assert that the petitioner derived any monetary gain therefrom. No recovery of any nature whatsoever has been effected from the petitioners herein, whereas Rs.1,00,000/- has been recovered from co-accused Shabana, wife of the petitioner-Mohd. Naseem in CRM-M-42966-2025 and mother of petitioner-Mr. Aasif in CRM-M-46890-2025. He contends that the petitioners have been in custody since 22.01.2025 and have undergone an actual custody of more than 01 year 01 month. He submits that the investigation stands completed and charge-sheet also stands filed in the month of May-2025 and only 01 prosecution witness out of the total 70 has been examined so far and thus the trial is likely to take a long time in its conclusion.

4. It is, however, submitted by the counsel for the parties that be that as it may, the allegations in the present case reflect that the offences are triable by the Court of a Magistrate.

5. Learned counsel for respondent-State contends that the petitioners have allured and cheated as many as about 50 ladies of the same locality on the pretext of getting their loan sanctioned. The loan facility was availed and appropriate by Mohd. Naseem alongwith his wife Shabana. The period of custody as well as the stage of trial are not disputed by him.

6. Having heard the learned counsel for the parties and without commenting on the merits of the case and taking into consideration the period of actual custody undergone by the petitioners i.e. around 01 year 01 month, their clean antecedents, and noticing that it is a Magisterial trial in which nearly 70 witnesses have been cited by the prosecution and further bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

7. Accordingly, the instant petition are allowed and the petitioners are ordered to be admitted to regular bail subject to their furnishing bail/heavy surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

05.03.2026

Mangal Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No