



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114+217

CRM-1273-2026 in/&
CRM-M-58894-2025 (O&M)
Date of decision: 15.01.2026

Nagma Begam Alias Nagma Begum

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Davinder Kumar, Advocate for the petitioner

Mr. Gautam Kaile, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

CRM-1273-2026

For the reasons mentioned in the application, same is allowed.

Annexures P-6 to P-14 are taken on record, subject to all just exceptions.

CRM-M-58894-2025 (O&M)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.115 dated 09.07.2025, registered under Sections 318(4), 319, 336(3), 338, 340 BNS & 42(3)(e) of Telecommunication Act at Police Station Cyber Crime, Nuh (Mewat), District Nuh.

2. Learned counsel contends that the petitioner has been in custody for more than 6 months. She alleges false implication. The allegations against him are of having opened the accounts and selling the same to other persons, however, in the present case, she is the sole accused and there is no evidence, of whom she has sold such accounts. The offences are triable by Magistrate.



Charges have been framed on 06.01.2026, however, out of 16 prosecution witnesses, none has been examined. The petitioner is involved in 1 more case, wherein he has been granted anticipatory bail by Hon'ble Allahabad High Court vide order dated 19.01.2024, Annexure P-6. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Status report along with custody certificate dated 12/14.01.2026, filed by the learned State counsel are taken on record. As per the same, the petitioner is behind bars for 6 months and 5 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner that she used to sell the accounts to other persons, who used it for cyber crime. However, he is unable to controvert the submissions with regard to stage and the petitioner being on bail in another cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 6 months and 5 days; on bail in another case; it is case of magisterial trial; charges were framed on 06.01.2026,



however, out of 16 prosecution witnesses, none has yet been examined, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of her right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds along with two sureties one whom should be local, to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish her address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, she seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.



9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

15.01.2026
M.Kamra

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