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2026:PHHC:002528



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

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Musfik Alam

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: January 13, 2026

Date of Uploading: January 13, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sanjeev Majra, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.44 dated 17.01.2023, for the offence punishable under Sections 379 & 420 of the IPC, 1860 (Sections 467, 468, 471 & 201 of IPC added lateron), registered at Police Station Sadar Karnal, District Karnal.

2. The gravamen of allegations against the petitioner is that complainant, namely, Vedpal, stated that he is employed in the Roadways Department. On 12.01.2023, he received a WhatsApp call on his mobile number 94161-54504 from mobile number 1623439-0200. The caller introduced himself as Pankaj, claiming to be the nephew of Balkar Singh,

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resident of Village Subhri. Pankaj informed the complainant that he wanted to send money from America to India to his friend Sujeet Kumar, but due to certain reasons, he was unable to transfer the amount directly to Sujeet's account. The caller requested the complainant to provide his bank account details, stating that an amount of ₹7,22,500/- would be transferred to the complainant's account, which he would then withdraw and hand-over to Sujeet Kumar. Trusting his version, the complainant shared his HDFC Bank account No.50100001553143, Branch Village Phoosgarh. Subsequently, Pankaj sent a WhatsApp message containing a receipt of an international transaction of ₹7,22,500/-, claiming that the amount had been sent and would be credited shortly. Thereafter, the complainant received another WhatsApp call from mobile number 82644-94746, wherein the caller claimed to be a friend of Sujeet Kumar and stated that the amount was urgently required for the emergency medical treatment of Sujeet's mother. Pankaj also confirmed this version and requested the complainant to refund the amount. Later, the complainant received a call from a woman using mobile number 72919-26595, who introduced herself as an employee of HDFC Bank and falsely informed him that ₹7,22,500/- had been credited to his account through an international transaction. Believing this representation to be true, the complainant agreed to help. Sujeet Kumar then informed the complainant that his mother had suffered a cardiac attack and urgently required money. He requested the complainant to transfer funds immediately, assuring that once the amount of ₹7,22,500/- was credited, the complainant could deduct the transferred amount.

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Relying on these assurances, the complainant transferred a total amount of ₹3,00,000/- (₹55,000/- from his own account, ₹50,000/- from the account of Vijay Gaba, ₹1,95,000/- from the account of his son Amit (₹1,00,000/- through PayTM and ₹95,000/- through Google Pay) to Sujeet Kumar. Thereafter, Sujeet provided multiple bank and digital payment details, including, Account No. 41478186199, IFSC SBIN0050643, in the name of Aditya Verma, Account No. 50100432492405, IFSC HDFC0002156, in the name of Ravita Devi, Google Pay/PhonePe number 72940-43143, belonging to Manish. Despite transferring ₹3,00,000/-, the complainant never received the promised amount of ₹7,22,500/- in his account. Upon suspicion and subsequent inquiry, he realized that he had been cheated. Bank verification revealed that the entire amount of ₹3,00,000/- was ultimately transferred into Account No.50100536921528, belonging to accused Sujeet Kumar, who further transferred the said amount into the accounts of Aman Singh and Musafiq Alam (*petitioner herein*). Thus, the accused persons, in furtherance of their common intention, committed fraud and dishonestly induced the complainant to part with ₹3,00,000/-.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 23.08.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that there is no direct tangible evidence available against the petitioner. Learned counsel has further iterated that the petitioner has been primarily implicated into the FIR in question on account of disclosure-

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statement made by the co-accused, namely, Vipin. Learned counsel has argued that, in any case, the investigation *qua* FIR in question is complete and challan already stands presented. Learned counsel has further argued that the petitioner is a man aged 26 years with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody certificate dated 12.01.2026, in the Court today, which is taken on record. Reply by way of an affidavit dated 01.12.2025 is already on record. Raising submissions in tandem with the said reply, learned State counsel has vehemently opposed the present petition by arguing that the allegations raised against the petitioner are direct/ serious in nature and, thus, the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 23.08.2025 whereinafter investigation was carried out and the challan has been presented on 20.10.2025. It is not in dispute before this Court that total 17 prosecution witnesses have been cited, out of which, only 01 has been examined till date. It is thus, indubitable, that conclusion of the trial will take long time. The rival contention raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to

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indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 12.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 04 months and 14 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the

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State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

January 13, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No