



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-71368-2025 (O&M)

Parmod Kumar

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M-68352-2025 (O&M)

Abhishek Sharma

... Petitioner

Versus

State of Haryana

... Respondent

1.	The date when the judgment is reserved	20.01.2026
2.	The date when the judgment is pronounced	23.01.2026
3.	The date when the judgment is uploaded on the website	23.01.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mayank Yadav, Advocate,
for the petitioners.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J.

1. This common order shall dispose of above mentioned two petitions as they arise out the same FIR and seek similar relief.
2. By way of the present petitions filed under Section 483 of

Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners, namely Parmod Kumar and Abhishek Sharma, are seeking grant of regular bail to them 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

3. 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 the present petitioners who along with the co-accused Mukesh Nath and Kailash were apprehended on 28.12.2024 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 petitioners along with the co-accused are facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioners that they are in custody for a period of over one year. There has been no progress in the trial. The prolonged period of their incarceration is a sufficient reason for seeking benefit of bail by them. They are not required for further

investigation. Their continued detention would not serve any fruitful purpose. The subject offences are triable by Magistrate. They have clean antecedents. Similarly situated co-accused Aman Dela has already been granted concession of regular bail by this Court. On parity, the petitioners too deserve to be given the same benefit. These facts amount to substantial change in circumstance, which entitle petitioner Abhishek Sharma to file a second petition seeking grant of bail. It is, therefore, argued that they deserve to be extended benefit of bail and the petitions deserve to be allowed.

5. Separate status reports have been filed by the respondent-State. In terms of the same, learned State counsel has argued that the petitioners are not entitled to get benefit of bail as there are serious allegations against them. They along with the co-accused were involved in committing cyber-crime by duping innocent persons of their money. The petition moved by petitioner Abhishek Sharma is not even maintainable as the prayer made by him for grant of bail has already been declined by this Court by passing a detailed order. There has been no substantive change in the circumstances since then. It is, therefore, urged that the petitions do not deserve to be allowed.

6. This Court has heard the rival submissions.

7. 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. So far as the maintainability of the petition, being second petition moved by petitioner Abhishek Sharma for grant of bail, is concerned, it may be mentioned that, an accused has a right to move successive bail application for grant of bail and it is the duty of the Court, while entertaining such a subsequent bail application, to consider that any fresh ground which persuade it to take a view different from the one taken in the earlier application is made out or not. It is also required to be noted that every day spent by an accused in custody provides a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. In the instant case, the petitioners are in custody for a period of more than one year. The trial would obviously take considerable time to conclude since no prosecution witness has been examined so far. The petitioners do not have criminal antecedents. The part attributed to them in the crime is that they had been working as employees of co-accused Nitesh, Hitesh and Om Parkash on salary basis for transferring of money received by committing cyber frauds. Though their complicity in the crime is prima facie established from the allegations as levelled against them, however, they cannot be kept in custody for an indefinite period due to that reason.

Moreso, similarly situated co-accused Aman Dela has 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 petitions are allowed and the petitioners are ordered to be admitted to bail subject to their furnishing personal bonds as well as surety bonds by two sureties to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. Their release on bail shall further be subject to following conditions:

- (i) They shall mark their 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) They shall appear before the trial Court on each and every date fixed, unless their presence is exempted by specific order of the Court.
- (iii) They shall disclose their present as well as permanent address(es) before the learned trial Court at the time of furnishing of bonds and shall also give copy of their Aadhar Cards, PAN Cards, if any, and details of their mobile phone number(s) to the learned trial Court and in case, any change in their address or mobile phone number takes place, then they shall inform about the same to the learned trial Court in advance.
- (iv) They shall deposit their passport if any, with the learned trial Court.

8. 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.

9. Let a photocopy of this order be placed on the file of the connected case.

23.01.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No