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CRM-M-68387-2025

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2026 PHHC 017060



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

CRM-M-68387-2025

Date of decision: 05.02.2026

MUSTAFA

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. S.K. Bishnoi, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.101 dated 16.07.2025 registered under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Cyber Crime, Rewari, District Rewari.

2. Brief facts of the present case as per the prosecution are that the petitioner along with co-accused had duped the complainant by committing fraud.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the alleged incident. He further contends that the only role attributed to the petitioner is that he allowed one Rohit to use his bank account and a sum of Rs.32,000/- was credited into his account. He submits that the petitioner is



not the beneficiary of the alleged duped amount and the said amount has already been transferred to two other accounts. The petitioner is in custody since 02.08.2025. He further submits that the petitioner is himself a victim in the present case and offence under Section 318(4) is not made out against him. The investigation in the case is complete; challan stands presented; charges have not yet been framed. He submits that the petitioner has clean antecedents as he is not involved in any other case. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the status report and custody certificate of the petitioner, which are taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She further submits that the petitioner had sold his bank account for Rs.10,000/- to co-accused Rohit and thus, he does not deserve the concession of bail. However, she has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

5. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.



6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 06 months, investigation is complete; challan stands presented charges are yet to be framed and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

05.02.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |