



CRM-M-70774 of 2025

-1-

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

243

CRM-M-70774 of 2025
Date of Decision: 17.02.2026

Mukesh Kumar

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Ms. Sheena Khanna, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, 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.05 dated 25.01.2025 registered under Sections 316(2), 318(4) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Cyber Crime, District Kurukhsetra.
2. Brief facts of the present case are that the petitioner has committed online fraud with the complainant and duped him for a sum of Rs.4,74,500/-, on the pretext of selling vehicle. Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. She further submitted that the petitioner was neither named in the FIR, nor has committed any such offence and initially, FIR was registered against

**CRM-M-70774 of 2025****-2-**

unknown person. She argued that the petitioner never posted any advertisement for sale of any vehicle. She further argued that the petitioner neither had any conversation with the complainant at any point of time, nor asked him to deposit any amount in his account. She further argued that it was the co-accused Jagmeet/Vansh who is the main accused and has absconded with the money. It is further submitted that the petitioner has been made a scapegoat by the prosecution. Moreover, the petitioner has clean antecedents as he is not involved in any other case and no recovery is to be effected from him. The petitioner is in custody since 28.03.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. She further submits that there are total 21 prosecution witnesses but none has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record and while referring to the status report filed in the matter, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

5. 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 10 months; he has clean antecedents; investigation is complete; challan stands presented; charges framed; out of 21 prosecution



CRM-M-70774 of 2025

-3-

witnesses, none has been examined till date; the complicity of the petitioner is a matter of trial, which is proceeding at snail's pace and the same will take a long time to conclude. Thus, 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.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her 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*".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her 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.

(RUPINDERJIT CHAHAL)
JUDGE

17.02.2026

D.Bansal

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