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2026:PHHC:015240



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-70151-2025

Mohammad Zaid

....Petitioner

Versus

State of Haryana

....Respondent

Date of Decision: February 03, 2026

Date of Uploading: February 03, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Sakshi Khera, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present second 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 bearing FIR No.138 dated 20.09.2024, registered for the offences punishable under Sections 318(4), 61(2) and 238 of the BNS, 2023, at Police Station Cyber Crime, Faridabad.

2. The gravamen of the FIR in question is that complainant, namely, Subrat Kumar Vishwas, aged about 62 years, resident of Faridabad, reported that on 08.07.2024 he received a message on WhatsApp installed on his mobile phone, offering a part-time job wherein he was induced to invest money into certain accounts with the promise of earning profits through a cryptocurrency trading platform. Being unaware of the investment process, he followed the instructions provided by the sender/messenger, who

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allured him with assurances of high returns. Initially, he was added to a group on the Telegram application named “G-8842-Google Global Working.” After investing a certain amount, he received a sum of Rs.12,300/-, which further strengthened his belief in the scheme. At the second level, the investment process became irregular, and he was directed to follow specific instructions for immediate gains. Consequently, a substantial amount was credited/ transferred into the accounts of multiple account holders. Thereafter, the Administrator of the said account refused to allow him to withdraw his invested amount. It is reported that the complainant has already invested a total sum of Rs.64,50,000/-, which remains unpaid.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 23.01.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question and, in fact, the petitioner is a victim himself. Learned counsel has iterated that the prime prosecution witness, namely, FIR-complainant – Subrat Kumar Vishwas has since been examined and, thus, there is no likelihood of the petitioner interfering with the prosecution witnesses. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 02.02.2026, in the Court today, which is taken on record.

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

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6. The petitioner was arrested on 23.01.2025 whereinafter investigation was carried out and challan was presented on 20.03.2025. Total 11 prosecution witnesses have been cited, out of which, only 01 has been examined till date. It is not in dispute before this Court that the FIR-complainant stands examined. It is thus, indubitable that conclusion of the trial will take its own time. The rival contentions 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 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 02.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year and 10 days, & is not shown to be involved in any other FIR(s).

6.2. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last bail plea was dismissed as withdrawn on 01.10.2025, wherein, the following order was passed:

“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.138 dated 20.9.2024, under Sections 318(4), 61(2), 238 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Cyber Crime, Faridabad.

Faced with the situation that the FIR-complainant is yet to be examined as a prosecution witness, learned counsel for the petitioner seeks to withdraw the petition in hand at this stage.

Dismissed as withdrawn, for the nonce.

Pending miscellaneous application(s), if any, stand disposed of accordingly.”

Keeping in view the entirety of the factual matrix of the case in hand; especially, factum of the petitioner having suffered extended incarceration for almost 04 months, pace of trial and FIR-complainant

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having been examined; this Court is inclined to affirmatively consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in *CRA-S-2332-2023* titled as *Rafiq Khan versus State of Haryana and another*, relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, 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.

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- (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 cellphone 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 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 03, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No