

2026.PHHC.007787



CRM-M-70557-2025

-1-

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

236

CRM-M-70557-2025 (O & M)
Date of decision: 20.01.2026

NITIN AND OTHERS

....Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Sakshi Khera, Advocate,
for the petitioners.

Mr. Gautam Kaile, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioners in case FIR No.04 dated 30.01.2025, registered at Police Station Cyber Crime Kaithal, District Kaithal, under Sections 238(c), 318(4), 319 and 61 of BNS, 2023, Sections 66, 66C and 66 D of the Information Technology (Amendment) Act, 2008.

2. Learned counsel contends that the petitioners have been in custody for more than 5½ months. They allege false implication. Their names came during the course of investigation. 8 co-accused have since

CRM-M-70557-2025

been granted bail by this Court as well as trial Court after being in similar custody. The entire amount stands paid by 12 accused collectively to the complainant. Challan has been presented on 29.09.2025, however, charges are yet to be framed and there are, in all, 18 PWs. The petitioners are involved in two more cases wherein they are on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioners of having defrauded the complainant by impersonation to the tune of Rs.70,384/-, but affirmed the factum of return of the said amount by 12 accused. However, he is unable to controvert the submissions with regard to stage of the case and the co-accused having been released on bail.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

6. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for 5 months and 19 days; co-

CRM-M-70557-2025

accused are on bail; challan stands presented on 29.09.2025 but charges have not been framed and there are total of 18 PWs; the trial is likely to take a considerable time, further incarceration of the petitioners would be violative of their right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioners are ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless are exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their addresses and mobile numbers by way of affidavits to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.

CRM-M-70557-2025

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

20.01.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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