



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

141

CRM-M-73832-2025 (O&M)

Date of decision: 11.03.2026

Shivam Gaud alias Shivam Gour and Another

....Petitioners

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sandeep Kotla, Advocate for the petitioners

Mr. B.S. Saroha, DAG Haryana

Mr. Ashwani Gaur, Advocate along with the complainant

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioners in case FIR No.93 dated 25.10.2024, registered under Sections 318(4), 61(2) BNS at Police Station Cyber Crime, Jind.

2. Learned counsel contends that the petitioners have been in custody for 1 year, 20 days and 10 months, 12 days respectively. The allegations against them are of having taken money from the complainant for huge profits and the amount that they had received, stands returned to him. The offences are triable by Magistrate. Charges have been framed on 01.10.2025, however, out of 16 prosecution witnesses, none has been examined. The petitioners are involved in 1 more case, 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 the petitioners had cheated the complainant on the pretext of investing money in the



share market for huge profit. However, he is unable to controvert the submissions with regard to stage and the petitioners being on bail in other case.

4. Learned counsel for the complainant admits that the money has been returned to him and has no objection for grant of bail to the petitioners.

5. Heard.

6. 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."

7. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for the last 1 year, 20 days and 10 months, 12 days respectively; on bail in other case; charges were framed on 01.10.2025, however, prosecution evidence is yet to commence, the trial is likely to take a considerable time, further incarceration of the petitioners would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. 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 is 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 address and mobile number by way of affidavit/s to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek 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.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

9. 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.

10. 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.

(AMAN CHAUDHARY)
JUDGE

11.03.2026

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No