



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

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**CRM-M-31510-2025(O&M)
Decided on : 09.06.2025**

BHEEM KUMAR

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Ketan Antil, Advocate
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

Mr. Pardeep Balyan, Advocate for complainant.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.92 dated 01.11.2024 under Sections 318(4), 336(3), 338, 340 and 61 of BNS, registered at Police Station Cyber Sonipat, District Sonipat.

2. The translated version of the FIR is reproduced below:-

“To the SHO Police Station Cyber Crime, Sonipat. Sir, it is submitted that I Balraj Kataria son of Sh. Dhan Singh, am the resident of House no. 530/25, West Ram Nagar, District Sonipat and I am working at Punjab National Bank, Branch Sohti. That on 22.10.2024, I had downloaded whatsapp application on my mobile phone and some unknown persons had hacked my mobile phone by whats app. On 25.10.2024, I started receiving messages on my mobile number 9991603045 with regard to debit of money from my bank account. That I immediately closed my bank account, but till that time already an amount of Rs. 9,80,500/- were defrauded. The details of the same is as follows :- Sr. No. Dated Account/Debit from Account credit to IFSC Code Transaction ID Amount Rs. 25-10-2024 00445100000030 JAKAOSEC IMPS- OUT / 429917 301636/JAKAOSEC 5,00,000 2 25-10-2024 -Do- CNRB0012435 NEFTOUT: PUNBL24 299750292 3,00,000 3 25-10-2024 -Do- PSIB0000282 NEFTOUT: PUNBL24 299751731 1,54,000 4 25-10-2024 00562021000235 PSIB0000282 NEFTOUT: -PUNBL24 299753335 26,500 Total 9,80,500 I came to know that some unknown persons by using some fake website and



by creating my fake documents from my account using my phone have opened bank accounts and transferred Rs. 9,80,500/- fraudulently. Therefore, I had registered complaint bearing number 31310240058209 by dialing cyber helpline number 1930. Therefore, it is requested from your goodself that strict legal action be taken against these persons. Thanking you, annexed bank statement Sd- Balraj xxx”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case solely on the basis of disclosure statement of co-accused. There is no material on record to indicate towards the complicity of the petitioner, and even a similarly placed co-accused has been granted regular bail by this Court vide order dated 29.04.2025 in CRM-M-13053-2025. He further submits that the petitioner has undergone an actual custody of 07 months and 03 days and there is no other case registered against him.

4. Learned State counsel has opposed the present petition, arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has placed on record custody certificate in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 07 months and 03 days and there is no other case registered against him. He on instructions submits that charges were framed on 10.03.2025 and out of a total of 11 prosecution witnesses, none has been examined till date.

6. Heard the rival submissions made by learned counsel for the parties.

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 05.11.2024. Similarly placed co-accused has been granted regular bail by this Court vide order dated 29.04.2025 in CRM-M-13053-2025. The final



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report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 11 prosecution witnesses cited, none stand examined so far. Therefore, the trial in the present case will not conclude anytime soon. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further 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 including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.



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10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

09.06.2025

Kavita

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No