



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

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**CRM-M-22373-2025  
Decided on : 15.10.2025**

Ankit Modi

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

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Present : Mr. Vikram Rana, Advocate  
for the petitioner.

Mr. Krishan Pal Saini, Senior DAG, Haryana  
for the respondent-State.

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**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.31 dated 15.06.2024, registered under Sections 420 and 406 IPC, at Police Station Cyber Crime Kurukshetra, District Kurukshetra.

2. Brief facts of the present case, as per the prosecution, are that the petitioner along with his accomplices duped the complainant for a sum of Rs.1,07,65,770/- on the pretext of investing his money.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No offence has been committed by him. He contends that neither the petitioner was named in the FIR nor has any concern with the offence. He further argued that the offence is triable by Magistrate and nothing is to be recovered from the petitioner. He further submits that the present petitioner has been nominated as an accused on the basis of disclosure statement made by co-accused Rahul. The petitioner is in custody since 28.07.2024. The investigation in this case is complete and challan



also stands presented. He further submits that the only allegation against the petitioner is that he has opened bank accounts on commission which were used for transferring money. He submits that out of 12 witnesses only 01 witness has been examined. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. He further submits that the petitioner is involved in one more case meaning thereby he is an habitual offender.

6. 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 01 years 02 months and 12 days; investigation is complete; challan stands presented, the trial may take a long time to conclude as out of 12 witnesses only 01 witness has been examined, no useful purpose would be served by detaining him in further custody. 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.

7. 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 his 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*".

8. As regards the submission of learned State counsel that petitioner is involved in other/another case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

*"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."*

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

15.10.2025

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**(RUPINDERJIT CHAHAL)**

**JUDGE**

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