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

CRM-M-7144-2026

Date of Decision: 13.05.2026

Sarfaraz

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. B.S. Tewatia, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.148 dated 14.08.2025, registered under Sections 318(4), 319(2), 336(3), 338, 340(2) of BNS, 2023 and Section 42(E) of Telecommunications Act, 2012 (Sections 66-C, 66-D of IT Act, added lateron), at Police Station Cyber Crime Nuh, District Nuh (Mewat).

2. Succinctly, the facts of the case are that on 14.08.2025 while on patrolling, the police party received a secret information to the effect that Sarfaraj (the petitioner) was contacting innocent people, claiming to be their known, sending fake messages of credit money, deceiving them by promising to send more money, taking money from people or taking money in advance in the name of selling toys online, or by posing as a girl by contacting people through social media platforms and thus, doing cyber crime and he was present near Ice Factory Bichhor. In case of raid, he could be apprehended. Raiding team was constituted and raid was conducted at the place disclosed. A boy was apprehended on the spot. On asking, he disclosed his name as Sarfaraj. On his search, two mobile phones having SIM Cards were found and suspected transactions have been found on his mobile



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phone. A request was made to lodge the FIR. The petitioner was arrested on 15.08.2025. On the registration of the FIR, the investigation commenced. On completion of the investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Nuh praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, learned Court declined the bail application filed by both the petitioner vide order dated 28.01.2026. Earlier the petitioner approached this Court by way of filing CRM-M-57612-2025, however, the same was dismissed as withdrawn vide order dated 18.11.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He contends that the FIR in the present case was lodged on the basis of secret information and the present case has been planted upon the petitioner. It is contended that the allegations regarding blackmailing various persons, are not even substantiated. He contends that only on the basis of the transaction of Rs.18,000/-, the petitioner has been arrested in this case and he is in custody since 15.08.2025. To buttress his arguments, he contends that the petitioner has no criminal antecedents as he has never been involved in any other case. He further contends that from the last 10 dates of hearing, prosecution witnesses are not appearing before the trial court only in order to prolong the incarceration of the petitioner. He, thus, has



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submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. He submits that there was specific information about the petitioner and thus, he was arrested and on his arrest, objectionable material was recovered from his mobile phone. He contends that one of the victim Data Ram has deposed against the petitioner and the petitioner duped him for an amount of Rs.18,000/-. On instructions, he has submitted that out of total 09 prosecution witnesses, 03 witnesses have been examined. He has filed the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was arrested on 15.08.2025 on the basis of the secret information. As per custody certificate of the petitioner, he has already suffered incarceration of 08 months & 28 days as on 12.05.2026. It further shows that the petitioner has no criminal antecedent. It has been contended before this Court that from the last 10 dates of hearing, no prosecution witness is appearing before the trial Court. There is no gainsaying that every accused has right of speedy trial.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the



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petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

13.05.2026

sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No