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CRM-M-16198-2026

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

257

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Date of decision: 23.04.2026

GAGANPREET SINGH ALIAS GOLDY

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. P. S. Punia, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

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.0008 dated 13.10.2024 registered under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 66(D) of IT Act at Police Station Cyber Crime Khanna.

2. Brief facts of the present case as per the prosecution are that the petitioner along with co-accused had duped the complainant by committing cyber fraud. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the alleged incident. He further submits that the petitioner is neither named in the FIR nor shown as beneficiary of the alleged amount, and no evidence has come on record to show that he misappropriated the complainant's



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money. He further contends that there was an inordinate delay in lodging the FIR, as the transactions allegedly took place on 21.09.2024, the complaint was made on 02.10.2024, and the FIR was registered on 13.10.2024. He submits that the petitioner is in custody since 04.02.2026 and has clean antecedents as he is not involved in any other case. He further submits that all the offences are triable by a Magistrate. He further submits that if the prosecution version is stated to be true, even then also the only allegation against the petitioner is that Rs. 25,000/- has been transferred into his bank account. He submits that the matter is still under investigation and the challan is yet to be presented. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars.

4. Learned State counsel has filed the status report and custody certificate of the petitioner, which are taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence alleged against the petitioner is serious in nature and, therefore, he does not deserve the concession of bail. However, she has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

5. 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 more than 02 months, investigation is still underway; challan is yet to be presented and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued 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.



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6. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, 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*”.

7. 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.

23.04.2026

Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No