



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

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CRM-M-21323-2026 (O&M)

Date of decision : 11.05.2026

Robin Khan

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Rahul Deswal, Advocate for the petitioner.

Ms. Deepali Verma, Asst. A.G. Haryana.

Mr. Lokendra Singh and Mr. Naveen Raghav, Advocates
for the complainant.

SURYA PARTAP SINGH, J.

This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.450 dated 08.12.2025, for the commission of offence punishable under Sections 318(4), 319, 338, 336, 340, 336(3), 340(2), 61(2) and 316(5) of Bharatiya Nyaya Sanhita, 2023, Police Station Cyber West, Gurugram.

2. The abovementioned FIR came into being at the instance of 'Vishnu Khanna', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he has been subjected to digital fraud, wherein he lost more than 43 lacs. The details of the manner, in which the fraud was committed, have been narrated in detail in the abovementioned complaint.

3. It is the case of prosecution that in view of abovementioned complaint, formal FIR of this case was lodged and the investigation taken



up. According to prosecution, during the course of investigation, the co-accused 'Parmod Kumar' was arrested by following the money trail. As per prosecution, a sum of Rs.12,50,000/- was received by the above-named accused and therefore, he was taken into custody and on interrogation, he suffered a disclosure statement, wherein he nominated the co-accused 'Dharampal', who, too, was arrested. The prosecution has further alleged that 'Dharampal', too, suffered disclosure statement dated 11.12.2025, wherein he nominated the present petitioner.

4. The contents of abovementioned disclosure statement suffered by the co-accused 'Dharampal' read as under:-

"Aabid used to meet me on the Mumbai Highway near village Ujina to get the ATM of the bank account, passbook and the SIM registered in the account. There I used to meet Amjad Khan and Robin Khan resident of village Ranika, District Nuh Mewat. Amjad Khan and Robin Khan used to sit with me in my car and go to village Sirasbas to meet Imran, who used to meet us outside the village Sirasbas. Amjad Khan used to take the bank account passbook, ATM card and the account registered SIM card from me and give it to Amjad. Earlier Amjad Khan used to give me 15 thousand rupees per account for Cyber Crime. So far, I have given 10 bank accounts to Amjad Khan and Aabid."

4. Heard.

5. It has been contended by learned counsel for the petitioner that the petitioner has been implicated in the present case, merely, on the basis of disclosure statement of co-accused, namely 'Dharampal', and that except the disclosure statement of co-accused 'Dharampal', and the confessional



statement of petitioner, no additional evidence has been collected by the Investigating Agency. It has also been contended by learned counsel for the petitioner that not even a single penny has been received by the petitioner in his account, and that he has already suffered prolonged incarceration for being in custody for a period of four months and twenty seven days. According to learned counsel for the petitioner, the petitioner has clean antecedents.

6. The learned State Counsel, being assisted by learned counsel for the complainant, has controverted the abovementioned arguments. According to learned counsel for the complainant, this is a case of cyber fraud, wherein in a clandestine manner, the complainant has been subjected to fraud and a sum of more than Rs.43 lacs has been usurped. As per learned counsel for the petitioner, the petitioner is an old-age person of more than 70-year-old, and that the investigation with regard to co-accused is still going on, wherein there are chances that the Investigating Agency will be able to lay hand to more evidence against the present petitioner. It has also been contended by learned counsel for the complainant that the trial is at initial stage and the statement of material witnesses are yet to be recorded. In view of above, the learned counsel for the complainant has sought for dismissal of present petition.

7. The record has been perused carefully.

8. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -



- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the petitioner is in custody for a period of four months and twenty seven days;
- iii) that the petitioner has clean antecedents;
- iv) that the only evidence, collected by the investigating agency against the petitioner is the disclosure statement of co-accused of the petitioner, and there is a question mark with regard to credibility & admissibility of above-mentioned statement in evidence, as the same was recorded when the co-accused was in police custody. Since pursuant to above-mentioned disclosure statement recovery of any incriminating material or discovery of fact has not taken place, *prima facie* the abovementioned statement appears to be hit by Section-23 of Bharatiya Sakshya Adhiniyam;
- v) that there is nothing on record to show that any part of proceeds of crime was received by the petitioner in any manner, whatsoever;
- vi) that the investigation in the present case is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- vii) that the trial is not likely to be concluded in near future;
- viii) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- x) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.



9. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are also relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case".

10. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil Vs. Central Bureau of Investigation and Another', (2022) 10 SCC 51, are also relevant in this case.



In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

11. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

12. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated



by Hon'ble Apex court in "Balwinder Singh versus State of Punjab and Another", 2024 SCC Online SC 4354.

13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that 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 him to disclose such facts to the Court or to any other authority;
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

11.05.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No