

2025:PHHC:101324



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

CRM M-5118-2025
Date of Decision:06.08.2025

Sanjay Kumar Ravi @ Sanjay Ram @ Vijay Ram ...Petitioner
Versus
State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Dhruv Dayal, Addl. A.G. Haryana.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the instant petition under Section 483 of the B.N.S.S., 2023 with a prayer to grant regular bail in case FIR No.497 dated 31.10.2023 registered under Sections 406, 420, 467, 468, 471 and 201 IPC at Police Station S.G.M. Nagar, Faridabad, District Faridabad, Haryana.

2. The FIR in the present case has been registered on the basis of the statement made by Ashwani Bhardwaj and the same has been reproduced below:-

“To Hon'ble Commissioner of Police, Sector-21C, Faridabad Subject- Application for legal action regarding extorting money through fraud, cheating and forgery against (1) Sanjay Kumar Ravi son of late Shri Shiv Kumar Ram, resident of village Ginja, Thakurgaon,

*Ranchi, Jharkhand-835205 (Aadhar No. 248915952753)
PAN Card CPZPR7119P Mob. 9113498865, 9006799618
and 9955276822 Sir, the request is that the complainant,
Ashwini Bhardwaj, resident of House No. 2723, Lane-2,
Block B, SGM Nagar, NIT, is a permanent resident of
Faridabad: 1. That the complainant works in a private
company. The complainant met the above accused in
Faridabad through a known person in the year 2021, in
which the above accused told that he is working as a
clerk in the Welfare Department, Jharkhand, Ranchi. If
you want to take a loan for Srujan Home Loan, two
wheeler, four wheeler, poultry farming etc. for anyone
related to ST/ST/OBC, then I will get it for you at 50
percent subsidy because my brother Vijay Ram mobile
No. 9102757990, 6202244630 and Pratima Devi wife
Sanjay Kumar Ravi are also employed on high posts in
the Welfare Department. All the loan proceedings are
done by my brother and my wife. That I, the
complainant, came under the influence and trust of the
above accused and the complainant increased the
interaction and conversation with the above accused.
The above accused assured the complainant in the name
of getting him a car and told him that if you want to buy
any four wheeler at 50 percent subsidy, then transfer the
money to my account and I will get you the car after
some time. When I told this to my acquaintances and
friends, they also agreed to buy the car. They transferred
money to my bank account and I transferred the money
to the accused's bank account. As my acquaintances
would transfer money to my account to buy a car, I
would further transfer the money to the accused Sanjay*

Kumar Ravi's account. I started the transaction from Axis Bank Ltd. account on 02.04.2021. Till 08.10.2021, Rs. 22.20.230/- was transferred to Sanjay Kumar Ravi's bank account and from MDFC Bank Branch 5-R/2, Badshah Khan Chowk NIT Faridabad, Rs. 6537000/- was transferred to the online bank account of the above accused Sanjay Kumar Ravi from 02.04.2021 to 22.03.2022. 3. That the above accused Sanjay Kumar Ravi assured the complainant that wait for some time, I will get the work done for you, if the work is not done then I will transfer the money back to your account. The complainant is calling the above accused repeatedly but now the above accused has also stopped picking up the complainant's phone. 4. That the complainant has come to know that the above accused has embezzled the complainant's money by cheating and taking the complainant into confidence and giving false assurances and the complainant has come to know that the above accused has cheated other people as well, due to which case No. 279 dated 03.12.2022 under Sections 406/420 IPC is registered against him in Police Station Mandu District Ramgarh Jharkhand and the complainant has come to know that the above accused is lodged in Jharkhand Jail. Therefore, it is requested to you that appropriate legal action should be taken against the above accused and I should get back Rs. 87,57,230/- from the above accused. Your kindness will be there. NOTE- BANK STATEMENT ATTACHED WITH THE APPLICATION Dated 31.03.2023 S/D Ashwini Bhardwaj Resident House No. 2723”

3. Learned counsel for the petitioner contends that the allegations levelled by the complainant are highly unbelievable and the petitioner has been involved by concocting a story. In fact, the petitioner was arrested in the present case on 19th June 2024 and after the completion of investigation, the *challan* was presented against him on 13th September 2024. Now, the trial Court has framed the charge on 11th November 2024, however, 05 witnesses have been examined so far. Even, the complainant has been examined by the prosecution. Learned counsel further submits that even though the petitioner was involved in 08 other criminal cases, however, he has been granted the concession of bail in all those cases.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner is a habitual offender and may get involved in crime in the future also. He submits that the present petition may be ordered to be dismissed.

5. I have heard the learned counsel for the parties and perused the record.

6. It has been held by the Hon'ble Supreme Court of India in the matter of Sanjay Chandra Vs. CBI, 2011(4) R.C.R. (Criminal) 898 and 2011 AIR (SCW) 6838 as follows:-

“14. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial

by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any Court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for the purpose of giving him a taste of imprisonment as a lesson.

15. In the instant case, as we have already noticed that the "pointing finger of accusation" against the appellants is 'the seriousness of the charge'. The offences alleged are economic offences which has resulted in loss to the State exchequer. Though, they contend that there is possibility of the appellants tampering witnesses, they have not placed any material in support of the allegation. In our view, seriousness of the charge is, no doubt, one of the relevant considerations while considering bail applications but that is not the only test or the factor : The other factor that also requires to be taken note of is the punishment that could be imposed after trial and conviction, both under the Indian Penal Code and Prevention of Corruption Act. Otherwise, if the former is the only test, we would not be balancing the Constitutional Rights but rather "recalibration of the scales of justice." The provisions of Criminal Procedure Code confer discretionary jurisdiction on Criminal Courts to grant bail to accused pending trial or in appeal against convictions, since the jurisdiction is discretionary, it has to be exercised with great care and caution by balancing valuable right of liberty of an individual and the interest of the society in general. In our view, the reasoning adopted by the learned District Judge, which is affirmed by the High Court, in our opinion, a denial of the whole basis of our system of law and normal rule of bail system. It transcends respect for the requirement that a man shall be considered innocent until he is found guilty. If such power is recognized, then it may lead to chaotic situation and would jeopardise the personal liberty of an individual. This Court, in **Kalyan**

Chandra Sarkar v. Rajesh Ranjan, 2005(1) RCR (Criminal) 703 : 2005(1) Apex Criminal 307 : (2005)2 SCC 42, observed that "under the criminal laws of this country, a person accused of offences which are non-bailable, is liable to be detained in custody during the pendency of trial unless he is enlarged on bail in accordance with law. Such detention cannot be questioned as being violative of Article 21 of the Constitution, since the same is authorised by law. But even persons accused of non-bailable offences are entitled to bail if the Court concerned comes to the conclusion that the prosecution has failed to establish a prima facie case against him and/or if the Court is satisfied by reasons to be recorded that in spite of the existence of prima facie case, there is need to release such accused on bail, where fact situations require it to do so."

7. In the present case, the petitioner was arrested on 19th June 2024. The petitioner is stated to be in custody for the last more than 01 year and 01 month and the prosecution has already examined 05 witnesses out of total 32 witnesses so far. Thus, the trial may not be concluded in near future.

8. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) 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) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st and 3rd Monday in English calendar month before the

concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

06.08.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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