



CRM-M-9165-2025

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

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Decided on : 18.02.2025

Sukhwinder Kumar and others

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Shubham Rana, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioners, who have been booked for having committed the offences punishable under Sections 406 and 420 IPC, in FIR No. 158, dated 24.05.2023, registered at Police Station City Kharar, District SAS Nager Mohali, during the pendency of trial.

2. Learned counsel for the petitioners *inter alia* contends that the main accused namely Jarnail Singh Bajwa, who is Managing Director of the company has already been released on bail on account of compromise with Complainant-Davinder Singh Batra, wherein co-accused namely Jarnail Singh Bajwa agreed to provide NOC to the complainant and other co-applicants within two months of his release from custody. Counsel for the petitioners refers to order dated 13.09.2023, passed by learned Judicial Magistrate First Class, Kharar. For reference, operative part of order dated 13.09.2023 is reproduced herebelow:

“4. On receiving application, record of original file was perused. Perusal of judicial file shows that the present case has been registered under Section 406, 420 IPC. Learned counsel for the accused applicant stated that the offence has been compounded by the complainant with the accused.



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Complainant Davinder Singh Batra is present and is ready to record the statement with regard to the compromise which was effected by him with the accused. Complainant Davinder Singh Batra came present and produced copy of compromise deed dated 06.09.2023 according to which the applicant-accused had agreed to provide N.O.C. to the complainant and other co-applicants within two months of his release from custody and that in case of failure to do so, the complainant and other co-applicants will have right to recover their damages and that the complainant has no objection if the applicant is released on bail in the present FIR. Complainant Davinder Singh Batra suffered a statement that he has no objection if the applicant is released on bail in view of the compromise. The court is of the opinion that since the complainant has compounded the offence with the accused out of the court, so no useful purpose would be served by keeping the accused in custody. No recovery is to be effected from the accused. Presentation of challan and conclusion of trial shall take time. Therefore, no useful purpose would be served by Keeping the accused behind the bar any more rather it would be an extra burden on the State exchequer. Therefore, accused Jarnail Singh Bajwa is admitted to bail on his furnishing bail bonds in the sum of Rs 1,00,000/- with one surety of the like amount. Requisite bonds not furnished. Papers be attached with the main file.”

3. Learned counsel for the petitioners contends that the role of the petitioner is only with the aid of Section 120-B IPC and they were simply the Directors in the Company and because of the business never any profit was earned by them. Counsel also submits that once the prime accused has already been released on bail on account of settlement with the complainant and other applicants, no purpose would be served by keeping the petitioner behind bar for indefinite period, thus, prays for grant of regular bail to the petitioners.

4. On the other hand, learned State counsel confirms the factual aspects as explained and highlighted by the petitioners. Learned State counsel submits that challan in the present case has already been submitted

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and trial is yet to commence.

5. After hearing learned counsel for the parties and going through the present petition as well as the documents appended thereto and the fact that the offences under Sections 420, 406 and 120-B IPC are triable by the Court of learned Magistrate, moreover, culmination of trial is likely to take considerable time. Therefore, petitioners cannot be kept behind bars for an indefinite period. This Court allows the prayer of bail made in the present petition.

6. Petitioners are ordered to be released on bail in this case, subject to their furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 18, 2025
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No