



CRM-M-10081-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10081-2025
Decided on: February 27, 2025

Rajesh Kumar
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sanjeev Majra, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section(s)	Police Station	District
Rajesh Kumar son of Subhash Chand, aged 34 years	522	30.08.2024	406, 420 & 120-B IPC and S. 24 of the Immigration Act	Indri	Karnal

2. Learned counsel for the petitioner contends that as per allegations, the complainant paid an amount of Rs. 16,00,000/- to the petitioner and co-accused Rameshwar Dass. During the time of investigation, while the petitioner was in custody, only an amount of Rs.15,000/- has been recovered from his possession. The petitioner is inside jail since 24.09.2024 despite there being no fault on his part. After completion of investigation, final report (challan) has already been



submitted to the Court and charges have been framed. However, out of total 10 prosecution witnesses, none has been examined till date. Rather, despite granting two opportunities to the prosecution witnesses, none appeared, which has resulted into issuance of non-bailable warrants of appearance of the witnesses. Trial is not likely to be culminated in near future. Thus, prays for grant of bail.

3. On the other hand, while opposing the prayer for grant of bail, learned State counsel points out that the petitioner is involved in two other criminal cases under the Excise Act.

Upon this, learned counsel for the petitioner produces copy of the judgment dated 02.01.2025, passed by learned Judicial Magistrate Ist Class, Kurukshetra, in FIR No. 0244, dated 14.07.2018, under Sections 61-1-14 Excise Act, Police Station Ladwa, District Kurukshetra, whereby the petitioner has earned acquittal. Copy of the said judgment is taken on record. Registry to tag the same at appropriate place.

Qua other submissions made by learned counsel for the petitioner, learned State counsel is not in a position to controvert the factual aspects or able to raise any contrary arguments. However, submits that since the petitioner and co-accused Rameshwar Dass have duped the complainant of huge amount, on the pretext of sending his son to Germany on work permit, the petitioner does not deserve any sympathy. Learned State counsel also states that the other co-accused is still there in custody.

4. Considering the totality of circumstances, and the submissions addressed by both the sides, especially keeping in view the fact that after filing of the final report (challan), out of total 10 prosecution witnesses, none has been examined till date despite affording of ample opportunities to the prosecution witnesses. Even, non-bailable warrants to secure appearance of the prosecution witnesses have been issued. The case is triable by the Magistrate and culmination thereof is likely to take long time. Thus, liberty of the petitioner cannot be curtailed for indefinite period.



5. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.
6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his 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. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
8. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.
9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 27, 2025
Pkapoor

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO