



CRM-M-12914-2025(O&M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-12914-2025(O&M)

Decided on :26.05.2025

Shiv Shankar Pandey @ Shiv Shankar Giri

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Riffi Birla, Advocate for the petitioner.

Mr. Surender Singh Pannu, Addl. A. G. Haryana.

Ms. Divya Chugh, Advocate
for the complainant.***(through video conferencing)***

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR 359 dated 17.08.2024, under Sections 318(4), 319, 336(3), 338, 340 and 61 of BNS, 2023, registered at Police Station Palam Vihar, Gurugram.

2. As per the allegations, the petitioner, who is a property dealer, along with other co-accused, duped the complainant and his father of Rs. 15 lakhs by preparing a fraudulent agreement to sell. The true owner of the property, who was residing abroad, was impersonated in the transaction. Since, the petitioner is a property dealer, he cannot easily absolve himself of the allegations, as he was the most competent person to verify the true owner's identity before executing the agreement and accepting the payment.



3. Learned counsel for the petitioner submits that the petitioner is in custody since 21.08.2024. After completion of the investigation, the challan has been submitted, and all the offences are triable by the Court of learned Magistrate. A final decision in the case is not likely to be rendered in the near future.

Counsel further submits that the petitioner, who is 61 years of age, has no previous record of involvement in similar activities. Therefore, his alleged involvement appears doubtful and is yet to be established through the production of substantial evidence during the trial.

It is also submitted that the investigation, including the recovery of relevant evidence as deemed appropriate by the prosecution, has already been completed. Consequently, the continued incarceration of the petitioner, particularly for an indefinite period, is unwarranted. Counsel thus prays for the grant of bail during the pendency of the trial.

4. Learned State counsel, as well as counsel for the complainant, opposes the petitioner's prayer for bail. They argue that the petitioner is involved in a serious offence and has cheated the complainant, with a substantial amount still allegedly in his possession. The total sale consideration received by the petitioner pursuant to the fraudulent agreement is yet to be recovered. Therefore, they pray for the dismissal of the present petition.

5. Heard learned counsel for the parties and perused the material available on record. It is noted that there is no dispute regarding



the completion of the investigation. The accused cannot be kept in custody solely for the purpose of effecting recovery of the consideration in cases of this nature. The petitioner's culpability is yet to be determined by the learned trial Court. Moreover, the offences are triable by the Court of Magistrate. Considering that the petitioner has been in custody for approximately nine months, the matter warrants consideration for grant of bail.

This Court is also of the view that petitioner deserves an opportunity to rehabilitate and reintegrate into society. Thus, without making any comments or observations on the quality/standard of the evidence collected by the prosecution, primarily considering the long incarceration and non-examination of the material witnesses, to the view point of this Court, personal liberty of the petitioner cannot be curtailed for an indefinite period.

6. Considering the aspects and circumstances, 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. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

**CRM-M-12914-2025(O&M)****4**

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

9. Petition stands disposed of.

10. Pending application(s), if any, shall stands disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

26.05.2025*Rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*