



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

CRM-M-14278-2025
Date of decision: 28.03.2025

JAI KARAN JOSHI

...PETITIONER

V/S

STATE OF U.T. CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Saurabh Bajaj, Advocate for the petitioner.

Mr. Manish Bansal, P.P., UT Chandigarh.

HARPREET SINGH BRAR, J. (ORAL)

1. This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.58 dated 04.06.2024 under Sections 420/120-B of IPC, 1860 and added Sections 409/467/468/471 of IPC and Section 24 of Immigration Act registered at Police Station North, Chandigarh (Annexure P-1).

2. The FIR (*supra*) was registered in the present case on the complaint made by complainant-Manohar Lal, who alleged that M/s Smart Visa Point cheated him on the pretext of sending abroad. Besides complainant-Manohar Lal, 10 more complainants joined the investigation and were found to have been cheated.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been made a scapegoat by the investigating agency, in collusion with the original culprits. He further contends that the petitioner was never named in the FIR (*supra*) by the complainant-Manohar Lal and on the same date, two separate FIRs have been registered against him. He submits that in



FIR bearing No.57 dated 04.06.2024 registered under Sections 420-120-B of IPC, the petitioner has been granted the concession of regular bail by the Coordinate Bench of this Court, vide order dated 21.03.2025, in case bearing **CRM-M-14296 of 2025**. Learned counsel further submits that the petitioner is behind the bars since 16.07.2024.

4. Learned Public Prosecutor produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer of the petitioner on the ground that the petitioner has cheated large number of citizens on the pretext of sending them abroad and he is a habitual offender as he is involved in 04 separate cases of similar nature.

5. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”



6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bar since 16.07.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

7. Keeping in view the law laid down by the Hon’ble Supreme Court of India in **“Prabhakar Tewari vs. State of U.P. and another”** 2020 (1) R.C.R. (Criminal 831) and **“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”**, 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

8. In view of the above, the present petition is allowed. Thus, without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, the petitioner-Jai Karan Joshi is ordered to be released on regular bail during the pendency of the trial on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

March 28, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |