



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

CRM-M-18450-2024 (O&M)

Date of decision: 18.11.2025

LOKESH KUMAR

....Petitioner

Versus

STATE OF PUNJAB AND ANR.

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Ravinder Singh, DAG Punjab.

Mr. Rahul Bhargava, Advocate and
Ms. Reetika Sabharwal, Advocate for the complainant.

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RUPINDERJIT CHAHAL, J. (ORAL)

CRM-23923-2024

Keeping in view the averments made in the application, the documents are taken on record as Annexures R-2/1 to R-2/14 subject to all just exceptions. Exemption is granted as prayed for.

2. Registry to tag the same at appropriate place.

3. Disposed of.

CRM-23924-2024

1. Instant application under Section 482 Cr.P.C. has been filed for impleading the complainant as respondents No.2.



2. Keeping in view the averments made in the application, the same is allowed and complainant is ordered to be impleaded as respondent No.2 in the present petition.

3. Amended memo of parties is ordered to be taken on record.

4. Registry to do the needful.

5. Disposed of.

Main Case

1. Prayer in the instant petition filed under Section 439 of the Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.130 dated 06.12.2022 registered under Sections 420, 467, 419, 468, 471, 120-B, 471 IPC (Section 201 IPC added later on) at Police Station Mullanpur, District SAS Nagar.

2. Brief facts of the present case as per the prosecution are that, the petitioner had cheated the complainant to the tune of Rs. 44 lakhs, on the pretext of selling commercial booths.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He has argued that the petitioner was granted the concession of interim regular bail by a Co-ordinate Bench of this Court vide order dated 01.05.2024. He further submits that he had received only a sum of Rs.25 lakhs and out of Rs.25 lakhs, the petitioner has already paid an amount of Rs.21.5 lakhs to the complainant. He further submits that the matter was referred to Mediation and Conciliation Centre of this Court to explore the possibility of an amicable settlement but the mediation could not succeed. He further submits that the co-accused-Iqbal Singh has been granted has been



granted bail by Co-ordinate Bench of this Court vide order dated 05.09.2024. He further submits that the petitioner has undergone pre-trial incarceration of more than 01 year and 06 months. He further submits that substantial amount has been paid to the complainant; the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that out of Rs.25 lakhs, Rs.21.5 lakhs stood paid to the complainant. He has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

6. Learned counsel appearing on behalf of the complainant submits that the concession of interim bail was only given to explore the possibility of amicable settlement which has failed. Hence, he prays for dismissal of the present petition.

7. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is already on interim bail; investigation is complete; challan stands presented, substantial amount stands paid and the fact that trial may take a long time to conclude. 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.

8. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

9. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

10. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty



Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

18.11.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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