

CRM-M-18341-20251

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

228

CRM-M-18341-2025

Decided on : 16.07.2025

Vishal Handa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Abhaysher Singh, Advocate for
Mr. Sachmeet Singh Randhawa, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

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(s)	FIR No.	Date	Section(s)	Police Station	District
Vishal Handa	081	28.03.2022	420 IPC	Cantonment	Amritsar

2. Learned counsel for the petitioner submits that, as per the allegations, the petitioner is accused of having cheated the complainant in connection with business dealings. It is contended that the petitioner and the complainant were business partners engaged in the sale of FASTag services under the name and style of *Hassle Free Travels*. The complainant allegedly invested a sum of ₹55,19,943/-, which, according

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to the FIR, was misappropriated by the petitioner instead of being utilized for the intended business purposes.

Learned counsel further submits that the dispute is essentially of a civil nature, which could more appropriately be resolved through proceedings under Section 138 of the Negotiable Instruments Act. It is further informed that, out of the total alleged amount of over ₹55 lakhs, partially a sum of ₹17,49,221/- has already been paid by the petitioner to the complainant. It is also submitted that the petitioner is in custody since 22.08.2024 in an offence that is admittedly triable by a Magistrate. Learned counsel argues that the conclusion of trial is likely to take considerable time, and the petitioner's liberty cannot be curtailed for an indefinite period. Accordingly, prayer is made for the grant of regular bail.

3. On the other hand, learned State Counsel does not dispute the factual submissions, including that the alleged offence under Section 420 IPC is triable by the Court of a Magistrate, and that the parties are already engaged in litigation under Section 138 of the Negotiable Instruments Act. It is also confirmed that a partial repayment amounting to ₹17,49,221/- has been made by the petitioner.

4. Having considered the rival submissions and taking note of the fact that the offence is triable by the Magistrate, and the petitioner has been in custody for the past approximately eleven months, this Court finds merit in the petitioner's prayer for grant of bail.

5. This Court is of the considered opinion that the petitioner, a young individual with no prior criminal record, deserves an opportunity

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for rehabilitation and reintegration into society. Without expressing any opinion on the merits of the case, this Court is of the view that the petitioner's right to personal liberty ought not to be curtailed indefinitely.

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. 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.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

16.07.2025

Rashmi

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