



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

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**CRM-M No.18903 of 2025
Date of decision : 16.7.2025**

Gopal Singh**Petitioner**

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manjeet Singh, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

Mr. Sarju Puri, Advocate and
Ms. Kudrat Sareen, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.4 dated 9.1.2019, under Sections 420, 465, 467, 468, 471 of the IPC, registered at Police Station Aur, District SBS Nagar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To Hon'ble SSP, SBS Nagar. Subject: Complaint against 1) Gopal Gill, Manager, HDFC Bank Branch Chakdana, 2) Hardeep Bhatia, Cashier, HDFC Bank, Branch Chakdana, 3) Mrs. Deelip Gill W/o Gopal Gill, 4) Tirath Ram Dutta of village Lassara, Tehsil Phillaur, along with other person/gang officials of HDFC Bank involved in fraud, forgery, cheating the complainant and many other account holders. Respected Sir, I Avtar



Singh S/o Sher Singh, r/o village Urapar, Tehsil Nawanshahr, Distt. SBS Nagar, respectfully submits as under: 1) That I am a simple farmer doing agriculture at village Urapar. I have availed the facility of CC Limit Account for farming with HDFC Bank branch Chakdaná having account bearing no.50200011142004. I have been granted credit limit of Rs.26,00,000/- on my account. I have been availing the credit facility from time to time and have been bonafidely depositing the amount and interest with the Bank. 2) Gopal Gill has come to me on 30.04.2018 at my house and ask me to deposit certain amount in my account and he took Rs. 1,70,000/- from me for depositing the account in my account. 3) That HDFC Bank branch Chakdana has deputed Sh. Gopal Gill and Sh. Hardeep Bhatia as cashier in the branch. I visited the bank branch on 30.05.18 for getting the credit limit for paddy season, I was shocked to know that there is no balance lying in my account for availing credit facility. The accused Gopal Gill has been debited from my account and amount of Rs.8,50,000/- from my account and transferred to account of accused Tirath Ram by forging my signatures on withdrawal form. 4) That I never had any type of dealing on transaction with Tirath Ram or Deelip Gill. I never issued any cheque or never signed any debit voucher for transferring the amount. A well-knit conspiracy has been hatched by all the accused to cheat me and defraud me of my money. The higher officials of the HDFC Bank are likely to be involved in this huge fraud. 5) That I made a complaint to higher official of Bank but they are not paying any heed to my complaint. The copy of complaint and emails received from bank are attached herewith. I have been cheated of Rs. 6,30,000/- by forging signatures and another cheating of Rs. 1,70,000/- which the manager had taken from me for depositing in my account which he did not deposit. 6) That at this crucial time, I am in dire need of money for Paddy sowing season. This cheating has been done with me. This is a huge racket involving accused along-with many other higher Bank official which would come to fore once the matter is investigated. 7) That these accused has also committed such like frauds with many other account holders also now, the accused are trying to flee the country and their passports are required to be immediately taken into police possession. 8) That now the bank is try to wash of its hands from their dully appointed officials and it become the liability of the HDFC Bank for any act of omission or commission, cheating made by their agents. The bank officials have



sought time of ten days when the fraud was brought to their notice, but no action has been done. So, now, I have filled the present complaint. 9) That there is a recording made by me on my mobile phone when accused Gopal Gill visited my house for meeting me in which accused Manager Gopal Gill has admitted the cheating, forgery fraud and he admitted to return my amount, but inspite of passing of such a long time, accused has not returned my money. I would request you to kindly register an FIR against the accused and get my money recovered from the accused and further investigate the matter to bring other accused, in the interest of justice. Yours Faithfully Sd/- Gurmeet Singh, Avtar Singh S/o Sher Singh.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 7.12.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the petitioner had, in fact, tried to facilitate CC Limit/loan facility limit to the complainant and on account of the same misunderstanding/mis-calculation the petitioner has been implicated into the FIR in question. Learned counsel for the petitioner has further argued that the petitioner is a married man aged 44 years and he is the sole bread earner of his family. Learned counsel has further argued that investigation in the case already stands completed and thus, culmination of the trial take its own time. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 15.7.2025 in Court, which is taken on record.

4.1 Learned counsel for the complainant has argued that the



allegations leveled against the petitioner are serious in nature. Learned counsel has further submitted that the petitioner was earlier declared proclaimed offender and thus, there is all likelihood of the petitioner to flee from the hands of justice and therefore, he ought not to be granted the concession of regular bail. Learned counsel has further urged that the petitioner is a habitual offender and there are four other FIR(s) against the petitioner involving similar allegations. On the strength of these submissions, learned counsel for the complainant has entreated for dismissal of the petition in hand.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 7.12.2024 whereinafter investigation was carried out and challan stands presented on 8.1.2025. Total 17 prosecution witnesses have been cited and the charges in the case are yet to be framed. Indubitably, the allegations against the petitioner are serious in nature but it is also to be taken into account that the case in hand is of magisterial trial. The rival contentions raised at Bar give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 15.7.2025 filed by learned State



counsel, the petitioner has already suffered incarceration for more than 7 months. As per the said custody certificate, the petitioner is stated to be involved in four other FIR(s). Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail bonds, including sufficient local surety, to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-



- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

16.7.2025
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No