



353-CRM-M-18960-2025

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18960-2025

Date of decision: 20.05.2025

Rohit Sharma @ Mohit

....Petitioner.

Versus

State of Punjab and another

...Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Anil Kumar Sagar, Advocate,
for the petitioner.

Mr. Roshandeep, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

1. Mr. Jaswinder Singh Rana, Advocate, has entered appearance on behalf of the complainant and filed his vakalatnama.

The same is taken on record.

2. Instant petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS) for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
197	03.12.2024	406, 420, 120-B IPC 24 of the Immigration Act	P.S. Phase-1, District SAS Nagar, Mohali, Punjab.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated



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in this case. He contends that the petitioner is in custody since 04.12.2024 and after the completion of investigation challan has already been presented in the Court.

4. Learned counsel for the petitioner further contends that in the meanwhile, with the intervention of the respectables, compromise has been effected between the parties, whereby complainant has given an affidavit dated 16.12.2024 (Annexure P-5) to this effect Hence, the instant petition seeking grant of regular bail.

5. On the other hand, learned State counsel, has not disputed the factum of compromise but has opposed the grant of bail to the petitioner on the ground that the petitioner has committed fraud and misappropriation with the amount of the complainant.

6. Learned counsel appearing on behalf of the complainant has also admitted the factum of compromise, i.e. affidavit dated 16.12.2024 (Annexure P-5), having been effected between the parties voluntarily and without any force or coercion. He submits that he has specific instructions from the complainant that he has no objection in grant of bail to the petitioner.

7. Considering the respective arguments and perusing the record, it transpires that the petitioner is in custody since 04.12.2024, and after completion of investigation, challan has already been presented in this case and admittedly, the complainant has effected compromise/affidavit (supra) with the petitioner, no purpose would be



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served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial.

8. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

9. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

11. Petition stands allowed.

12. Pending miscellaneous application, if any, also stands disposed of.

20.05.2025
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(SANJIV BERRY)
JUDGE

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