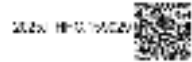


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CRM-M-20895-2025

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

CRM-M-20895-2025

Date of decision: 18.11.2025

KRISHAN ALIAS FATAN

....Petitioner

Versus

STATE OF HARYANA

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. B.S. Beniwal, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG Haryana.

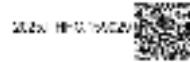
.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.517 dated 11.11.2024 registered under Sections 406,420 and 120-B of IPC at Police Station City Fatehabad, District Fatehabad.

2. Brief facts of the present case as per the prosecution are that, the petitioner along with co-accused had cheated the complainant for a sum of Rs.1,60,000/- and 7 tolas gold on different occasions on the pretext of doubling the same or converting it into greater wealth. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with

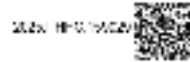


the said offence. He argued that the FIR in question was registered on 11.11.2024 i.e. after an unexplained delay of more than 22 months, casting serious doubt on the prosecution story. He further argued that all the offences are triable by the Magistrate. The petitioner is in custody since 13.01.2025. Nothing is to be recovered from the petitioner. Further, co-accused Sunita (wife of the petitioner) has already been granted the concession of regular bail by the court of learned Chief Judicial Magistrate, Fatehabad, vide order dated 20.02.2025. The investigation in the case is complete, challan stands presented, charges have also been framed and out of 12 prosecution witnesses, only 3 have been examined till date. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping her behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is also involved in other cases meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 10 months; investigation is complete; challan stands presented; charges have also been framed, out of 12 PW's only 03 have been examined and the fact that trial may take a long time to

conclude, no useful purpose would be served by detaining him in further

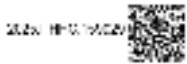


custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in near future would be violative of her rights under Article 21 of the Constitution of India.

6. 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 his/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*".

7. As regards the submission of learned State counsel that petitioner is involved in three 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."



8. 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 |