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

CRM-M-21839-2025 (O&M)

Date of decision: 22.08.2025

Harshil Garg

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

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

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Sidharth Maini, Advocate (through V.C.)
for the complainant.

N.S. SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.157 dated 24.12.2023 registered under Sections 420, 120-B IPC, at Police Station Sarabha Nagar, Ludhiana, District Ludhiana.

2. Learned counsel for the petitioner contends that the parents of the petitioner were running jewellery shop at Barnala and they were only partners of the firm M/s Neel Kanth Jewellers, which was running the jewellery business. The petitioner had no concerned with M/s Neel Kanth Jewellers and his name has been added in the present case, only to



pressurize his parents. Learned counsel further contends that expect the bald allegations levelled by the complainant, there is no other legally admissible evidence against the petitioner to connect him in the commission of crime in any manner. Even there were various financial transactions between the parents of the petitioner on one hand and the complainant on the other hand. Even the complainant had taken blank cheques from the father of the petitioner as security and as per knowledge of the petitioner, the complainant has already initiated the proceedings against the father of the petitioner. The petitioner was arrested in the present case on 23.02.2024 and is in custody for the last more than one year and six months. Learned counsel further contends that the prosecution has been able to examine only three witnesses so far out of total 14 witnesses cited by the prosecution and his further custody would not serve any purpose.

3. On the other hand, learned State counsel assisted by the learned counsel for the complainant, has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the parents of the petitioner have absconded from the process of law and both of them have been declared as proclaimed persons. Learned State counsel further submits that keeping in view the seriousness of the charge against the petitioner, the present petition deserves to be dismissed.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, no doubt the allegations levelled against the petitioner are serious in nature, however, the petitioner cannot be confined in jail as an under trial prisoner for an indefinite period. In the present case,



all the offences with which the petitioner has been charged, are triable by the Court of Magistrate and the petitioner is in custody for the last more than one year and six months. Still further, the prosecution has been able to examine only three witnesses so far out of total 14 witnesses cited in the challan and there is no likelihood of early conclusion of the trial in the present case.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial

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Court.

- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

22.08.2025*Satyawan***(N.S. SHEKHAWAT)
JUDGE*****Whether speaking/reasoned: Yes/No******Whether Reportable: Yes/No***