



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

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CRM-M-40367-2025 (O&M)

Date of decision: 04.11.2025

Gulshan Jain

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Arun Abrol, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.44 dated 05.04.2018, registered under Sections 406, 409, 420, 467, 468, 471, 120-B of IPC and Section 13(1)(D) r/w Section 13(2) Prevention Corruption Act, at Police Station Jandiala Guru, Amritsar (Rural).

2. Learned counsel submits that the petitioner aged 69 years old has been in custody for more than 1 year. He alleges false implication on account of the fact that he had agreement with Warehousing Corporation and not PUNGRAIN-complainant in this case. The ex-parte arbitral award has already been passed on 28.02.2022 in a claim petition filed by PUNGRAIN, which has been challenged by him by filing petition under Section



34 of the Arbitration and Conciliation Act, 1996 and is pending. The FIR in question was registered, when the petitioner and his family were abroad. Challan was presented on 14.01.2025, however, charges have not been framed yet. In all there are 73 prosecution witnesses. He is involved in 4 other cases, in two of which he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 03.11.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year and 6 days.

4. Learned State counsel opposes the bail on the ground there are specific allegations of misappropriation of paddy against the petitioner which was delivered to his mill by PUNGRAIN. However, he is unable to controvert the submissions with regard to stage of the case, and the petitioner being on bail in other cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "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."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 6 days; is on bail in two other



cases; challan was presented on 14.01.2025 and charges have not been framed yet; there are total 73 prosecution witnesses, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.



- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.
10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

04.11.2025
Vishal Vardhan

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