



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

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**CRM-M-33458-2025 (O&M)
Date of decision: 07.07.2025**

Laxmi Narayan @ Vinod

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Deepak Jaglan, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.72 dated 18.03.2025 registered under Sections 120-B, 406, 420, 506 IPC at Police Station Kalayat, District Kaithal.
2. In brief, as per the case of prosecution, for sending the victim Kuldeep son of complainant to Germany, a deal was allegedly struck for Rs.12,50,000/- between the complainant and the petitioner and despite receiving the alleged payment, the petitioner failed to send Kuldeep abroad and also failed to return the amount and thus, duped the complainant of the aforesaid amount. In the panchayat/compromise proceedings, the petitioner allegedly executed an affidavit for repayment of amount on 27.09.2024, but failed to comply the same. With these allegations, the FIR (supra) was registered.



3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated and made a scapegoat. The FIR (supra) has been registered without there being any credible evidence, which would prove the complicity of the petitioner. All the allegations against the petitioner are highly improbable and concocted. He further submits that the amount of Rs.12.50 lacs in cash was allegedly paid to the petitioner, without disclosing the source of the amount and any receipt. He further contends that the investigation is complete and the case, before the learned trial Court, is triable by the Magistrate.

4. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 08.04.2025 and charges are yet to be framed against the petitioner and there are total 12 prosecution witnesses cited in the list of witnesses and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner has admitted his liability when a panchayat was convened at the instance of respectables of the society. Further the petitioner is not entitled to any relief as he is involved in three more cases, however, he could not controvert the fact that the petitioner is on bail in all those cases.



6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 02 months and 27 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges are yet to be framed and trial of the case has not made much progress.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further



detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. Further keeping in view the law laid down by the Hon’ble Supreme Court of India in “*Prabhakar Tewari vs. State of U.P. and another*” 2020 (1) R.C.R. (Criminal 831) and “*Maulana Mohd. Amir Rashadi vs. State of U.P. and another*”, 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

10. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Laxmi Narayan @ Vinod is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

07.07.2025

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