

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:153300



203

CRM-M-33345-2025 (O&M)
Date of decision:06.11.2025

Sandeep Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Mr. Amit Chaudhary, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.96 dated 19.03.2025, registered under Sections 184, 316(2), 318(4), 319, 336(3), 338 and 340 of the BNS, at Police Station City Fatehabad, District Fatehabad.

2. The petitioner has joined investigation on 05.07.2025.

3. Status report stands filed as per which, after joining investigation, the petitioner has suffered a disclosure statement involving his complicity in the crime. It has also come on record that though loss of stamp duty to the extent of Rs.54,225/- was caused but the same stands deposited by the petitioner with the Collector, Fatehabad on 04.06.2025. The petitioner allegedly used some of stamp papers as purchased by the complainant for

registration of a sale deed in his favour, by changing the name of buyer and seller to cause loss to the State Exchequer and as per the allegations, wrongful loss to the complainant had also been caused as he was made to pay more amount of money for purchase of stamp papers, than was required/actually used. The allegations prima facie make out the complicity of the petitioner in the commission of offence of cheating. However, since he has already joined investigation and is stated to have suffered disclosure statement also and as it is not the case of the Investigating Agency that his custodial interrogation is required, coupled with the fact that the case is based on documentary evidence, this Court is of the considered opinion that no case for pre-trial incarceration of the petitioner is made out. It is well settled that pre-trial incarceration should not be replica of post sentence period. With these observations, the petition is allowed and the order dated 26.06.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogous to Section 438(2) of the Code of Criminal Procedure).

4. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

5. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

06.11.2025

harjeet

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No

(MANISHA BATRA)
JUDGE