



CRM-M-34076-2025

-1-

227

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

CRM-M-34076-2025

Date of decision: 26th November, 2025

Kapil Nagar alias Kapil

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

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

Ms. Shaveta Sanghi, DAG, Haryana.

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No. 274 dated 06.11.2023 registered under Sections 406, 420 IPC (Sections 120-B, 201, 467, 468, 471 of IPC added later on) at Police Station Jui Kalan, Bhiwani, District Bhiwani, Haryana.

2. Brief facts of the present case are that as per the prosecution, the petitioner had cheated the complainant for a sum of Rs. 07 lakhs, on the pretext of providing him Government job in the Railway Department.

3. Learned counsel for the petitioner contends that the petitioner has

**CRM-M-34076-2025****-2-**

been falsely implicated in the present case and he has no concern with the said offence. If the contents of FIR are taken to be true, even then only bald statements have been made in the FIR and not even a single document has been produced to substantiate his claims. He argues that that all the offences are triable by the Magistrate. The petitioner is in custody since 19.12.2023. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that the trial will take a long time to conclude as out of total 23 prosecution witnesses only 14 have been examined till date and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he is the mastermind of the alleged fraud and had cheated innocent persons with huge amount of money and therefore, he does not deserve the concession of bail. She has further submitted that the petitioner is involved in multiple other cases of similar nature 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 since December, 2023; investigation is complete; challan stands presented; charges have been framed; out of total 23 prosecution witnesses only 14 have been examined; the trial is proceeding at snail's pace, the culpability, if any, would be determined at the time of trial, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further



CRM-M-34076-2025

-3-

custody. His continued 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.

6. Reliance in this regard is placed upon decision of Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein it was held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his 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 other/one 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

CRM-M-34076-2025

-4-

concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)

JUDGE

26th November, 2025

Sima

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>