

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

CRM-M No.35952 of 2025 (O&M)

Reserved on: 04.11.2025

Date of Decision:07.11.2025

Ravinder

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

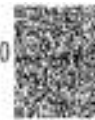
Argued By: Mr.Sushil Sheoran, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 420, 467, 468, 471, 506, 120-B and 201 of IPC, the FIR No.139 dated 18.12.2021, has been lodged in Police Station Jatusana, District Rewari. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition under Section 483 of BNSS for grant of bail.

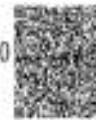
2. In nut-shell the facts emerging from record are that the FIR of this case came into being on the complaint of Kamlesh Devi, who claimed that she has been duped by the accused namely 'Deepak', 'Jitender', 'Manoj', 'Ram Mehar', 'Pawan Kumar' and 'Smt. Madhu'. According to complainant, her son Ashish had passed 12th standard and was looking for job when Manoj and Jitender came to complainant's house and told that their son-in-law Pawan



Kumar was recruiting soldiers for the Indian Army, and that they can help her son in the above mentioned recruitment. As per complainant, after few days Manoj and Jitender visited her again along with their daughter Madhu and assured her that her son will be recruited in Indian Army against the payment of Rs.8,50,000/-. According to complainant, she accepted the above mentioned offer, arranged money and transferred Rs.50,000/- into the account of Smt. Madhu from the account of complainant's daughter Asha on 14.12.2020. She further alleged that on 23.12.2020 she transferred Rs.1,00,000/- into the account of Deepak and Ankush and on 27.12.2020 Rs.4,00,000/- into the account of Manoj. In addition to above, the complainant also claimed that Rs.1,50,000/- was paid by her in cash on 05.01.2021 to Manoj and Rs.1,00,000/- into the account of Madhu on 29.01.2021. While claiming that she had already transferred Rs.8,50,000/- it was alleged by the petitioner that despite receipt of money her son was never recruited, and thus, she has been defrauded.

3. Heard.

4. It has been contended on behalf of the petitioner that he is innocent having no nexus, whatsoever, with the commission of crime and that neither his name was mentioned in the FIR nor any money was transferred into his account. In addition to above, it has also been contended by learned counsel for the petitioner that nothing has been recovered from the possession of petitioner, and that benefit of bail has already been accorded to the main accused namely Madhu, and the benefit of anticipatory bail to co-accused Manoj and Deepak.



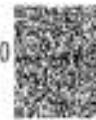
5. Per contra, the learned State counsel has argued that allegations against the petitioner are of serious nature, and his name has cropped up in the disclosure statement suffered by his co-accused.

6. Heard.

7. The record has been perused carefully.

8. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. They are:-

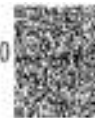
- i) that the offence is triable by the Court of learned Judicial Magistrate;
- ii) that in the FIR no role has been attributed to the petitioner. Rather his name does not find place in the FIR;
- iii) that the petitioner has been prosecuted merely on the basis of disclosure statement suffered by his co-accused and there is a big question mark with regard to admissibility of above mentioned disclosure statement in evidence as the maker of it, at the time of disclosure statement, was already in police custody.
- iv) that no money has been transferred into the account of petitioner;
- v) that there is nothing on record to show that the petitioner had ever approached the complainant;
- vi) that the benefit of bail has already been afforded to main accused namely Madhu, in whose account the money was transferred;



- vii) that the benefit of anticipatory bail has already been afforded to the co-accused Manoj and Deepak, who were instrumental in dealing with the complainant;
- viii) that the petitioner has already suffered a long incarceration for being in custody for a period of more than 5 and ½ months;
- ix) that nothing is left to be recovered from the possession of petitioner;
- x) that the trial of the case is not likely to be concluded in near future;
- xi) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- xii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence, or influence the witnesses;
- xiii) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.

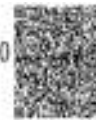
9. To deal with similarly situation the guiding principles have been laid down in the case of **‘Surender Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence’ 2018(3) RCR (Criminal) 954**, wherein the Hon’ble Supreme Court of India held that the disclosure statement of co-accused is inadmissible against another accused, as the disclosure statement is not a substantive piece of evidence against other accused.

10. Similar principle has been laid down by the Hon’ble Supreme



Court of India in the case of ‘**Preet Kamal Vs. State of Punjab**’, 2018(4) **RCR (Criminal) 938**, wherein it has been held that the disclosure statement of an accused can be used only against the person making the same, and not against the co-accused.

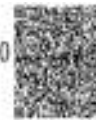
11. With regard to other legal aspect involved in the instant case, it is relevant to mention that the Hon’ble Supreme Court in the case of “***Dataram versus State of Uttar Pradesh and another***”, 2018(2) **R.C.R. (Criminal) 131**, has observed that “*a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do*



on the facts and in the circumstances of a case”.

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘**Satender Kumar Antil Vs. Central Bureau of Investigation and Another**’, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that “*the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice*”.

13. Recently, in the case of ‘**Tapas Kumar Palit Vs. State of Chhattisgarh**’, 2022 INSC 222, the Hon’ble Supreme Court of India has observed that “*if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed*”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “*delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to*



ensure that cases proceed efficiently”.

14. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “***Balwinder Singh versus State of Punjab and Another***”, ***SLP (Crl.) No.8523/2024***.

15. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and the present petition deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of trial Court, subject to the following conditions:-

- i) that 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 from closing such facts to the Court or to any other authority;
- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the conclusion of trial; and
- iii) that the petitioner shall not leave India without prior permission of the trial Court.

17. In case, the petitioner violates any of the conditions mentioned



above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

07.11.2025
Manoj Bhutani

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