



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

290

CRM-M-36754-2025

Date of Decision : 24.09.2025

YASHVIR SINGH

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

Mr. Ashok Jindal, Advocate
for the complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of bail under Section 483 BNSS, has been filed by petitioner, a co-accused in case bearing FIR No.190 dated 07.06.2024 registered against him at Police Station Bhondsi, District Gurugram, at the instance of Sachin Chadda (complainant), for the commission of offences punishable u/s 420, 120-B IPC (Sections 419, 468, 471 IPC added later on).

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

*Sachin Chadda and others (complainant party), set the criminal law in motion by filing a complaint against **Yashvir Singh (present petitioner)** and his wife, namely, Runa Berry, alleging therein that the couple cheated them (complainant party) and several others of their hard-earned money on the pretext of procuring government jobs for them and getting admissions in esteemed educational institutions. Several social gatherings were organized by this couple, where they used to flaunt their relations with persons highly placed in the society.*



Fake e-mail Ids resembling that of the government departments were also created and false intimation was sent to the victim complainants regarding procuring government jobs. Duo (petitioner and his wife) used to insist that payments would be accepted in cash only. After receiving the money, they became evasive and started avoiding the victims. It was further alleged that on account of this calculated fraud, complainants have lost approximately ₹ 45.50 lakhs. Copies of the WhatsApp chats between the victims and both the accused were also appended along with complaint. On the basis of the complaint, formal case vide FIR No.190 dated 07.06.2024, u/s 420, 120-B IPC (Sections 419, 468, 471 IPC added later on), was registered against present petitioner and his wife. During the course of investigation, bank account statements of the complainant/victims and wife of the petitioner were also collected, which indicated transfer of money in the account of wife of the petitioner from the complainants. Bank account statement of petitioner, call detail records of all the mobile phones, handsets used by him were also obtained. Statement of various witnesses were recorded. It also came to the notice of the Investigating Officer that several fake e-mail Ids resembling that of various government departments, had been created by the petitioner and his wife.

Petitioner, who was arrested on 27.03.2025 was interrogated, during which he admitted to his involvement in the commission of offences and also highlighted the role played by his wife. Wife of the petitioner (Runa Berry) was also arrested on 15.03.2025 and is in custody.

3. An application for grant of bail under Section 483 BNSS was filed by the present petitioner. The same was dismissed by the learned Additional Sessions



Judge, Gurugram, in terms of order dated 02.06.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. In fact, complainant- Sachin Chadda and his wife were on friendly terms with petitioner and his wife, they often used to borrow money from each other. However, with the dishonest intention, the entire incident has been given a different colour. Forged documents were relied upon by the complainant only with a view to harass petitioner and to extract illegal monetary benefit from him.

Learned counsel fairly admits that since the petitioner was going through a financial crunch, he borrowed money from various persons and out of the total borrowed amount, half of the amount has already been returned back.

Learned counsel has also placed on record the copy of order dated 24.05.2011 passed by the Armed Forces Tribunal, Principal Bench, New Delhi in T.A. No.325 of 2009, WP(C) No.3405 of 1997 of Delhi High Court, in support of his submissions that petitioner is not a deserter from the Army but rather had been discharged.

Learned counsel next submits that investigations qua present petitioner are complete, for challan has already been presented and since completion of trial (offences being Magisterial triable) would take lot of time, his further incarceration would not serve any useful purpose, more so, when he (petitioner) undertakes to make all possible efforts to return the remaining money to complainant party. It has thus been prayed to take lenient view in his (petitioner's) favour, who has been in custody since March, 2025, by extending him the concession of bail.



5. Status Report dated 20.09.2025 by way of affidavit of Mr. Surender Singh, Assistant Commissioner of Police, Badshahpur, Gurugram, has been filed on behalf of the respondent-State, which is taken on record.

Learned State counsel accompanied by learned counsel for the complainant have opposed the request for grant of bail on the ground that petitioner and his wife very cleverly defrauded several innocent persons of their hard-earned money by falsely assuring them to provide government job/admissions in Ivy League Universities/Colleges. Conduct of the petitioner even during the course of investigation, as per learned counsel for the complainant, has been far from satisfactory, as he deliberately provided wrong address, also destroyed his mobile phones/laptop etc. Further as per learned counsel for the complainant being deserter from Indian Army and considering that his wife is also involved in 03 other criminal cases of similar nature, no case for grant of bail is made out, for if extended the concession of bail, there are chances of him (petitioner) misusing this concession by fleeing from the process of justice by not appearing in Court, and also of intimidating complainant and related witnesses. Dismissal of petition was prayed for.

6. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "***Gurbaksh Singh Sibbia V. State of Punjab***", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper



test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right.”

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)



“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.

In the case of **Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Anr., (2024) 9 SCC 813**, the Supreme Court while granting bail to accused for 04 years in paragraph Nos.16 and 17 held as under:-

16. Criminals are not born but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations

17. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.”



In view of the submissions advanced by learned counsel for the petitioner, considering the fact that challan in the present case has been presented in the Court, competition of trial (offences being Magisterial triable) is likely to take some time, the fact that approximately half of money allegedly fraudulently pocketed by petitioner has been returned by him, he is not involved in any other criminal case (his wife, against whom 03 cases of like nature are registered, is still in custody) as also that perusal of order dated 24.05.2011 of Armed Forces Tribunal, Principal Bench, New Delhi, goes to show that he had been discharged from the Indian Army, the Court is of the opinion that no useful purpose would be served by further detaining the petitioner in custody as the same would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in *Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131*.

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will surrender his passport and will not leave the country without prior permission of the trial Court.
- (ii) The petitioner will not tamper with the evidence during the trial.
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (v) 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.
- (vi) 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.
- (vii) The petitioner shall not in any manner misuse his liberty.
 - (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
 - (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

Accordingly, the present petition is allowed and it is made 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.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

24.09.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No