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

CRM-M-36920-2025

Date of decision: 21.07.2025

Subeg

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.95 dated 20.02.2025 under Sections 406/420/506/34 of IPC (Sections 467/468/471 of IPC and Section 24 of Immigration Act added later on) registered at Police Station Indri, District Karnal.

Summarily, the facts of the case are that son of the complainant, namely, Sachin, has been entangled by the accused/petitioner, who used to study with the son of the complainant, in his talks and took his son to Balwant Singh and thereafter, they both took his son to Manmeet Singh and assured him that Balwant Singh would send his son abroad for which, they had talked to Balwant Singh for a total sum of Rs.24 lakh, out of which, they had given Rs.6,45,000/- in cash to Balwant Singh. Thereafter, the son of the complainant transferred Rs.5 lakh from the account of his wife to accused No.1 on 15.12.2023. All the three accused together made his son deposit Rs.5 lakh in the account of Balwant Singh. It is further alleged that by showing fake visa on 29.06.2024, the son of the complainant transferred Rs.1 lakh from his SBI

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account to Manmeet Singh. On 14.07.2024, he again deposited an amount of Rs.70,000/- in the account of Manjeet Singh from the account of his friend, namely, Mohit. Thereafter, Rs.10,000/- was transferred by the son of the complainant from the account of his friend, namely, Rajind Master, in the account of Manmeet Singh. Further, on the request of the accused/petitioner and Balwant Singh, an amount of Rs.95,000/- was transferred to the account of Manmeet Singh. Thereafter, all the three accused persons entangled the son of the complainant in their talks and by pressurizing him, made him transfer an amount of Rs.3,10,000/- and Rs.1,50,000/- in the account of Manmeet Singh and Rs.20,000/- the other day. Thereafter, the accused persons got fake visa and fake tickets and extended threats to the complainant and his son and thus, the present complaint.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The only allegation against the petitioner is regarding introduction of the son of the complainant with the co-accused and all the amount as alleged in the FIR (*supra*) has been credited in the account of co-accused, namely, Manmeet Singh. Further, there is no evidence to prove the complicity of the petitioner and any connection whatsoever with the co-accused. Nothing has been recovered from the possession of the co-accused and the investigation of the case is complete. The petitioner is behind the bars since 20.03.2025.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the petitioner has played an active role and his complicity is duly established. However, he could not controvert the fact



that the petitioner is not the beneficiary of the alleged fraud.

A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. 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."

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 20.03.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 11 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. 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.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Subeg, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of



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opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

21.07.2025
Neha

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