



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

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CRM-M-37527-2025
Date of decision: 22.07.2025

MAHESH TOSNIWAL
V/s

....PETITIONER

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sanjeev Majra, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.705 dated 25.11.2024 registered for the offences punishable under Sections 406, 420 of IPC at Police Station Gharaunda, District Karnal.

2. The case set up in the FIR in question is as follows:-

“To. The Incharge Police Station Gharuanda Karnal. Subject:- application regarding embezzling money by Mahesh Kumar Tosniwal (Mobile) 7020124695, 8976094063), resident of Air Port Road, Vasco, Mormugao, Goa (India) Shri Maan Ji, this is the request that I am Haroon Ali son of Shri Shokat Ali, resident of Village Gadi Bharal, Tehsil Gharaunda, Jisa Karnal, I met Mahesh Kumar Tosniwal (Mobile) 7020124695, 8976094063, resident of Air Port Road, Vasco, Mormugao, Goa (India) in Gharaunda Grain Market, who told me that I live in Saroop Nagar, Meerut Chowk, Karnal and I work in sending children abroad and started talking sweetly to me, which I got convinced by his words and I asked him to send my son Aavesh to England, which Mahesh Kumar Tosniwal said to me about sending my son Aavesh to England. He demanded Rs 17 lakh, after which I deposited an amount of Rs 1 lakh on 18-10-2021, Rs 1 lakh 25 thousand on 28-10-2021, Rs 1 lakh on 07-04-2022, Rs 1 lakh on 18-04-2022, Rs 30 thousand on 24-04-2022, Rs 6 thousand on 06-5-2022, Rs 3 thousand on 09-05-2022, Rs 19 thousand on 27-05-2022, Rs 10 thousand on 03-06-2022, Rs 10 thousand on 09-06-2022, Rs 10 thousand on 10-06-2022, Rs 10 thousand on 04-08-2022 and Rs 30 thousand on 02-01-2023, I gave 30 thousand rupees on 19-01-2023 and 30 thousand rupees on 23-01-2023 and 10 thousand rupees on



10-02-2023 and 29 thousand 500 rupees on 19-02-2023 and 20 thousand rupees on 06-04-2023 and 6 thousand rupees on 05-05- 2023, which total 8 lakh 17 thousand 500 rupees in the account number 31473323647 of Mahesh Kumar Tosaniwal in State Bank of India and 5 lakh rupees in cash on 02-09-2021 and 2 lakh 50 thousand rupees in cash on 07-09-2021 by taking the money for my grains from the middleman, in this way I gave 15 lakh, 67 thousand, 500 hundred rupees to Mahesh Kumar Tosaniwal to send my son Aavesh to England. I am attached with my bank statement, after which the above mentioned culprit called for the documents of my son Aavish and assured us that we are not getting the visa right now, it will take some time and you will get the visa, due to which we kept contacting him again and again and the culprit kept repeating the same thing again and again. Sir, it has been almost three and a half years since the above mentioned incident, but now the culprit neither picks up our calls nor sends my son back nor returns our money which is robbing us and when we call from some other number, he starts abusing us and threatens to kill us, due to which I and my family are facing a lot of problems. The above mentioned person is a rogue kind of a person, hence I request you to take strict legal action against the above mentioned culprit and get our money back, it would be a great favour from you. Sd/- Harun Applicant Harun son of Shri Shaukat Ali, resident of 02.07.2025 Village Gadhi Bharal Tehsil Gharaunda District Karnal M.9896055314.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.04.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further iterated that the petitioner had only assisted the complainant's son in pursuing studies abroad, and no culpability is assignable to him. Thus, regular bail is prayed for.

4. Learned counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.



6. The petitioner was arrested on 09.04.2025 and has been in custody since then. It is not in dispute that the challan has already been presented on 28.04.2025. Total 8 prosecution witnesses have been cited out of which none has been examined till date. It is thus indubitable that the trial will take its own time. It is further not in dispute that the FIR in question entails a magisterial trial. The rival submissions made by learned counsel for the parties give rise to contentious issues which shall be essentially ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 21.07.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of three months and ten days & is not shown to be involved in any other case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.



- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

July 22, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No