



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-38045-2025
Decided on: 28.08.2025

Harwinder Singh @ Harvinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manbir Singh Bath, Advocate,
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
137	14.08.2018	Sadar Phagwara, Distt. Kapurthala	406, 420 IPC and Section 24 of Immigration Act, 1983 (Section 201 IPC added later on)

1. The petitioner, who was earlier on bail, which was cancelled due to his non-appearance, now incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents. However, as per the custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	331	19.11.2008	406/420 IPC	Sadar Jalandhar

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“4. That present FIR No.137 dated 14.08.2018 under Sections 420, 406, 201 IPC, Section 24 of Immigration Act has been registered at Police Station Sadar Phagwara, District Kapurthala against Harwinder Singh i.e. petitioner on the basis of complaint given by different complainants stating therein that petitioner has committed fraud with them and duped them as follows:

	<i>Complainant</i>	<i>Duped Amount</i>
i.	<i>Narinder Singh</i>	<i>Rs.13,50,000/-</i>
ii.	<i>Kulbir Singh</i>	<i>Rs.8,00,000/-</i>
iii.	<i>Mangal Singh</i>	<i>Rs.9,36,000/-</i>
iv.	<i>Sarabjit Mattu</i>	<i>Rs.10,27,000/-</i>
v.	<i>Kuldeep Rai</i>	<i>Rs.5,00,000/-</i>



vi.	Naresh Kumar	Rs.7,50,000/-
vii.	Sukhjinder Singh	Rs.7,50,000/-
viii.	Jatinder Singh	Rs.5,00,000/-
ix.	Surinder Kaur	Rs.10,00,000/-
x.	Sarabjeet Singh	Rs.10,00,000/-
xi.	Satnam Singh	Rs.2,20,000/-
xii.	Paramjeet Singh	Rs.2,00,000/-
xiii.	Jasvir Singh	Rs.3,00,000/-”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“9. The petitioner remained proclaimed offender for five years and now he cannot be released on bail as he may abscond again which will hamper the proceedings of learned trial Court, hence, present petition is liable to be dismissed.”

REASONING:

8. The explanation offered by the petitioner for non-appearance is mentioned in the following paragraphs of the petition, and reads as follows:

“4. That the petitioner could not appear before the learned trial Court due to his health problems as he was suffering from fits and was under depression. Even after granting the bail on 12.02.2020 the petitioner had appeared regularly before the learned trial Court till his bonds were cancelled i.e. 17.07.2019. Apart from that there is a long delay in lodging the FIR which makes the whole version of the complainant suspicious. No such amount as alleged in the FIR was received by the petitioner from any of the alleged complainant and other persons.”

9. Petitioner was earlier on bail and due to non-appearance, his bail was cancelled as such, this Court is inclined to grant bail. As per paragraph 3 of the bail petition, the petitioner has been in custody since 04.03.2025. As per the custody certificate dated 27.08.2025, the petitioner's total custody in this FIR is 09 months and 22 days.

10. Given the above there would be no justifiability for further pre-trial incarceration



at this stage.

11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.
12. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 25,000.
13. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 25,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.
14. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
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|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |
15. This order is subject to the petitioner’s complying with the following terms.
16. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.
17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.



18. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

21. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.08.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.