IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40704-2025
Reserved on: 02.09.2025
Pronounced on: 09.09.2025

Manoj Sharma ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Sakshi Khera, Advocate,
for the petitioner. (through video conferencing).

Dr. Jasmine Gill, AAG, Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
272	19.04.2024	City Ballabgarh (Haryana), Distt. Faridabad	406, 420, 467, 468, 471, 120-B IPC

1. The petitioner 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. As per para 14 of the bail petition and as per para 5 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	322	08.06.2023	406, 420, 467, 468, 471, 120-B IPC	Kotwali, Faridabad
2.	89	10.03.2024	420, 467, 468, 471, 120-B IPC	Central Faridabad
3.	178	05.09.2024	406, 420, 120-B IPC	Sector-17, Faridabad

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

"2. That the brief facts of the present case are that the present case was registered on the complaint of complainant - Jagjit Singh Ahlawat. In the complaint, the complainant alleged that that on 05.08.2023, co-accused Pritam and Harsharan had introduced him with accused Manoj Sharma in the office of complainant situated at Chawla Colony, Ballabgarh. Accused - Litika Sharma wife of accused Manoj Sharma was also with them. It was alleged that accused Manoj Sharma had introduced himself as an employee of Union Bank and he told the complainant that house No.508, MCF No.777/663, East Chawla Colony, Ballabgarh measuring 180 Sq. yards was mortgaged in their bank and the said property was owned by

Mukesh Kumar Yadav son of Chhatar Singh. The accused also disclosed that their bank wanted to auction the said property and he would help the complainant in getting the said property at the concession of 10% from reserve price. The complainant was induced by the accused. The petitioner/accused - Manoj Sharma had also promised the complainant to get the said property for a sum of Rs.87 lacs, for which applicant-accused would charge 2,00,000/- as commission whereas co-accused Pritam and Harsharan would receive Rs.1 lac as commission. The petitioner/accused in a fraudulent manner got prepared the challan form for depositing the amount by mentioning his own account number in the said challan and complainant on believing the accused, made a payment of Rs.35,15,200/- on 11.08.2023 and Rs.17,57,600/- on 25.8.2023 from his bank account situated in ICICI Bank, Ballabgarh. Thereafter, complainant also made payment of Rs.8,78,800/- on 20.9.2023 and Rs.13,18,200/- on 03.10.2023 from the bank account of the firm pertaining to his father. In this way, complainant has made payment of Rs.74,59,800/- to the applicant-accused and thus, applicant-accused has cheated the complainant to the tune of said amount. On these allegations, the present case FIR was registered."

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 reads as follows:

"4. ROLE OF THE PETITIONER :-
That the petitioner/accused was arrested on 18-07-2024. He was produced before the Id. Illaqa Magistrate, Faridabad and his remand for 2 days was obtained. During the remand, petitioner/accused admitted his guilt and recorded his disclosure statement. It was admitted by the petitioner that he had done the bidding of property 3-4 times on MSTC website, therefore, he knows about the auction of new properties from that website. It was disclosed by the petitioner that he used to tell about these to his known persons. It was also admitted by the petitioner that he got to know about the auction of House No. 508/MCF, area measuring 180 Sq. yards from the MSTC portal. He told about this to Preetam and Harsharan who introduced him to the Jagjit Singh Ahlawat (complainant). It was further disclosed by the petitioner that he introduced himself as employee of

> *Union Bank to the complainant and promised the complainant to get him the said property for Rs.87,00,000/- which is 10% less from the reserve amount. Inducing the complainant, he received Rs.35,15,200/- from the complainant. It was specifically admitted by the petitioner/accused that he had created a clone mail id "customersupport@propertymstcauction.com" just like official mail ID of MSTC portal and using that mail, he sent a fake/forged mail to the petitioner. It was admitted by the petitioner that till now, he had received Rs.74,69,800/- from the complainant and Rs.16,00,000/- had been paid by him back to the complainant. Now Rs.58,68,800/- is due. It was also admitted by the complainant that the fake/forged document/mail-Id has been created by him from his computer/laptop and mobile phone. (The disclosure statement of petitioner/accused is being annexed as Annexure R-1). The petitioner also recovered a CPU make Intex, one Laptop make Dell, one iPhone-14, one mobile Phone - Samsung Galaxy Z-Fold and one Audi Car. The laptop and mobile & phone have been sent to DITAC, Gurugram. The report of the DITAC is still awaited.*
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> *The petitioner/accused is the main accused in the present case. He cheated the complainant to the tune of Rs. 74,69,800/- and now a due of Rs. 58,68,800/- is remaining which is to be paid to the complainant. The petitioner/accused has breached the trust of complainant, forged the E-mail and frequently took Rs.74,69,800/-from the complainant. The petitioner/accused has defrauded the complainant/accused on the pretext of getting allotted the house in question allegedly mortgaged with Union Bank."*

REASONING:

8. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 12 of the bail petition, the petitioner has been in custody since 18.07.2024. As per the custody certificate dated 01.09.2025, the petitioner's total custody in this FIR is 01 year, 01 month and 14 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. 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.

10. 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 10,000.

11. 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 10,000/-, 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.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

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)	

13. This order is subject to the petitioner's complying with the following terms.

14. 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.

15. 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.

16. <u>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.</u>

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

18. 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."

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

(ANOOP CHITKARA)
JUDGE

09.09.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.