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

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CRM-M-42078 of 2025
Date of Decision: 08.08.2025

Mohit Chadda @ Amandeep Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. The petitioner has filed the instant petition under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.05 dated 03.01.2024 registered under Sections 201, 406, 419, 420, 467, 468, 471 and 120-B of IPC and Sections 10/24 of Immigration Act, at Police Station City Thanesar, District Kurukshetra.
2. The FIR was lodged on the statement of Gopal Ram-complainant who had stated that he was cheated and duped by the petitioner for a sum of Rs.23,24,000/- under the pretext of sending abroad.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of false and fabricated investigation conducted by the police. Neither the petitioner was involved in the alleged offence nor he was the beneficiary of the alleged fraudulent transactions. No recovery was effected from him during investigation. The investigation is complete and challan has also been presented before the trial



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Court. The petitioner is in custody since 01.03.2025. He further submits that the trial may take quite a long time and no useful purpose would be served by keeping him behind the bars.

4. Notice of motion.

5. Learned State counsel who has appeared on advance notice of the petition, filed the custody certificate of the petitioner and the same is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the allegations against the petitioner are serious in nature. He further submits that the petitioner is an habitual offender as he is involved in three more criminal cases of similar nature.

6. 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."

7. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that the petitioner is in custody for

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the last more than 05 months and the investigation has already been concluded. Further, the trial will take a long time to conclude. No useful purpose would be served by detaining him in further custody. 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.

8. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

9. The present petition is disposed off accordingly.

08.08.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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