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

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**CRM-M-43228 of 2025  
Date of Decision: 27.08.2025**

Madan Lal

**....Petitioner**

Versus

State of Haryana

**....Respondent**

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Prashant Singh Chauhan, Advocate  
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

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**RUPINDERJIT CHAHAL, J (ORAL)**

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.231 dated 19.07.2023 registered under Sections 406 and 420 of the IPC, at Police Station Rewari City, District Rewari.

2. Brief facts of the present case are that the FIR was lodged by one Rahul Yadav, who stated that the petitioner cheated him fraudulently by selling a plot to his wife Usha Rani, by misrepresenting and defrauding through forged documents.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the present FIR has been wrongly registered and no offence under Sections 406 and 420 of IPC is made out against the petitioner. He argued that on registration of the FIR, he had filed regular bail application before the learned Sessions Judge, Rewari and the same was allowed vide order dated 08.12.2023 by

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observing that the present petitioner had executed a sale deed for Rs.45 lakhs and subsequently the petitioner got cancelled the said sale deed and returned Rs.15 lakhs through RTGS and issued cheque of Rs.30 lakhs which was dishonoured twice. It has also been contended that since the petitioner undertook to return Rs.30 lakhs within a period of six months, the bail application of the petitioner was allowed and thereafter, an application for setting aside/cancellation of the bail order dated 08.12.2023 was moved by the complainant stating that the petitioner has not paid Rs.30 lakhs to the complainant. Subsequently, the order dated 08.12.2023, whereby, the petitioner had been granted regular bail, was set aside and bail of the petitioner was cancelled, vide order dated 08.01.2025 passed by learned Sessions Judge, Rewari.

4. Learned counsel for the petitioner has further argued that now the petitioner has paid the amount of Rs.30 lakhs to the complainant and the receipt of the same has also been annexed with the file as Annexure P-12. The petitioner was arrested on 18.07.2025 and he is in custody since then. The investigation in this case is complete and challan also stands presented. He further submits that the trial may take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record. He has vehemently opposed the prayer for bail, stating that the allegations levelled against the petitioner are serious in nature. However, on instructions from ASI Rajiv Kumar, he does not dispute the fact that the petitioner has paid the balance amount of Rs.30 lakhs to the complainant. He has also not controverted the fact that



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the petitioner is not involved in any other case.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is found that the petitioner is in custody for the last more than 1½ months; investigation is complete; challan under Section 173 Cr.P.C. was also presented before the concerned Court and the trial may 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.

7. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

8. In view of the above, 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. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)  
JUDGE

27.08.2025

D.Bansal

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