



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-43539 of 2025

Reserved On: 03.11.2025
Pronounced On: 06.11.2025

Gopal Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Manjeet Singh, Advocate
for the petitioner(s).

Mr. I.P.S.Sabherwal, Deputy Advocate General,
Punjab for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only [Sections 66C and 66D of the Information Technology Act, 2000 added later on], the FIR No. 14 dated 20.03.2020 has been lodged in Police Station Aur, District Shaheed Bhagat Singh Nagar, Punjab. This is first petition for bail, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

2. Briefly stating the facts emerging from record are that the above mentioned FIR came into being on the statement of Jagan Nath, hereinafter being referred to as “complainant” only. The above named complainant, in

having a bank account of HDFC Bank, was working in Dubai for the last five years, i.e. since December 2016, and that in the absence of his son, by fabricating some documents, on 14.12.2017, a loan for a sum of ₹5,83,868/- was raised by the employees of the above mentioned bank and that he (complainant) came to know about the above mentioned loan only when the recovery agents came to his home and enquired about his son.

3. It is the case of prosecution that in view of the above mentioned statement, the formal FIR in this case was lodged, and the investigation taken up.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he is already in custody for a period of more than ten months & 20 days. According to learned counsel for the petitioner, the offence is triable by the Court of Judicial Magistrate, and that nothing is left to be recovered from the possession of petitioner, and therefore, he is entitled for the benefit of bail.

6. While controverting the above mentioned arguments, the learned State counsel has argued that there are very specific and serious allegations against the petitioner with regard to creation of false documents, which were used as genuine one for the purpose of drawing loan in the name of Ravinder Kumar son of the complainant. According to learned State counsel in the past also the petitioner had been found involved in similar type of four other cases, and that the entire amount, usurped by the petitioner and his co-accused, is yet to be recovered. According to learned

State counsel, if released on bail, there are chances that the petitioner will tamper with the evidence or influence the prosecution witnesses.

7. While exercising his right to reply, it has been argued by learned counsel for the petitioner that the mere fact that the petitioner is facing prosecution in other cases, cannot be a ground to accord the benefit of bail to him. In support of his above mentioned arguments, the learned counsel for the petitioner has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the case of *Prabhakar Tewari v. State of U.P. and Another (2020) 11 Supreme Court Cases 648*.

8. The record has been perused carefully.

9. A careful perusal of record shows that in the present case, following are the several relevant factors which are required to be taken into consideration before arriving at any decision with regard to instant bail petition:-

- i) that the benefit of bail has already been accorded to the co-accused;
- ii) that petitioner is already in custody for a period of more than ten months;
- iii) that the case is triable by the Court of Judicial Magistrate;
- iv) that the trial is not likely to be concluded in near future;
- v) that nothing is left to be recovered from the possession of the petitioner;
- vi) that the detention of petitioner in the judicial lock-up is not likely to serve any purpose;

vii) that except the bare allegations, there is nothing on record to show that if released on bail, the petitioner will either tamper with the evidence or influence the prosecution witnesses.

10. Taking into consideration the cumulative effect of all the aforesaid factors, the present petition deserves to be allowed. Hence, the same is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court.

11. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition, and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

November 06, 2025

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No