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

CRM-M-43514-2025
Reserved on: 15.09.2025
Pronounced on: 29.09.2025

Gopal Singh ...Petitioner

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manjeet Singh, Advocate for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
20	07.12.2018	Aur, District SBS Nagar	420, 465, 467, 468, 471 IPC (final report submitted u/s 420, 465, 467, 468, 471, 409, 477B, 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. Per paragraph 12 of the bail application, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	04	09.01.2019	420, 465, 467, 468, 471 IPC	Aur
2.	05	17.01.2019	420, 465, 467, 468, 471 IPC	Aur
3.	06	19.01.2019	420, 465, 467, 468, 471, 409, 477-A, 120-B IPC	Aur
4.	14	20.03.2014	420, 465, 467, 468, 471 IPC and 66C, 66D of IT Act	Aur

3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

> *"To, the Senior Superintendent of Police District Nawanshahr Punjab Subject: Regarding Cheating Fraud and embezzlement of the money deposited in F.D account No.5100109116762. Dear Sir, I am presently residing in village Lasara, Tehsil Phillaur, District Jalandhar (Punjab), My parents are senior citizens and holding*

account bearing No. 50100109116762 and F.D. Pronote bearing deposit Account No. 50300229291474 in HDFC branch Chakdana, Tehsil & District Nawanshahr. The amount of Rs. 10,00,000/- deposited in F.D. is for 12 months 8.40% and is hard earned money of my parents. The maturity date is 1[a] January 2019 on date 29.5.2018 a telephone call was received from the bank customer care that there is O.D. limit pending against the FD account no 50100109116762 whereas there was no such information to us regarding any such O.D. limit against the F.D. since after receiving such call we were shocked and humiliated. However, we realized that there may be some misunderstanding and the same could be cleared from the branch. While the very next day same was required from too concerned branch. Whereupon the branch officials corroborated the same it was brought to our knowledge that the loan amount was disbursed to out account bearing No 5020028783511 and the same is wansferred to another accounts on separate date. The contents of transaction of SOA reprosliced herein, 8.01.18 Kesar Singh 50100162666880 401,000,00/-8.01.18 Ranjeet singh 501001999907762 400,000,00 9-01-18 Majit Kaur 50100068427089 400,000.00,9-01-18 Ranjeet Singh 501001999907762 2,35,000,00 shocking as per the bank all this amount was transferred by way of withdrawal vouchers whereas the Account bearing No 50200028783511 was never in our knowledge neither any loan was applied nor any withdrawal voucher was submitted by us even the account holders were not known to any us at this stage we smelled the conspiracy that without applying for the cheque books there were numerous cheque books holding separate numbers being issued at our residential address. However till then we came to know that there is a big fraud being committed in the branch and there was a money embezzlement with the some other customers FD accounts in connivance with senior level official on approximately 3rd and 4th June onwards we approached the bank officials and enquired that how the loan can be disbursed without submitting the loan forms and original copy of FD pronote, as no formalities were fulfilled for disbursement of the same. The concerned bank officials apprised that the original pronote is already with the branch while the loan was disbursed the said FD pronote whereas the pronote being carried by us is hand written and hence the same is duplicate whereas the loan forms were duly filled and deposited before the disbursement of the loan while we denied the same the concerned bank officials started threating that "nothing can be done against such big corporates, it is better to keep silent and let the bank enquire the same with its own pace later the issue can be resolved with the bank manager only and no one else has anything to do with it" moreover the bank officials started levelling allegations against us stating that, "bank has the big contacts and the FIR may be registered against customers the embezzlement and fraud" Hence, by such an act and conduct of the bank we are harassed, humiliated and in mental trauma and finally approaching this authority to register the complaint against the HDFC Bank and Managing Director Mr. Aditya Puri along with other active Directors of the Bank, Manager Mr. Gopal Singh for cheating, fraud and embezzlement of our hard earned money further

> *the authority is requested to forward the said complaint to all concerned departments so that the accused must not run away* Customer Jaswinder Kaur wife of Jarnail Singh. LTI 1" applicant. Sd/- Jarnail Singh."

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 their 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:

> *"The role of the petitioner.*
> *13. That it is respectfully submitted that the Petitioner Gopal Singh, is a habitual offender and he remained Proclaimed Offender in all of the below mentioned criminal cases registered against him and he was posted as Manager in the HDFC Bank branch Chakdana, and committed cheating and forgery with the bank customers who relied upon him being a manager of the bank and who were in fiduciary relations with the Petitioner-Gopal Singh and further the trial of the case is at initial stage, therefore, he is not entitled to any discretionary relief from this Hon'ble Court. In view of the facts and circumstances mentioned hereinabove, the present petition is liable to be dismissed."*

8. A perusal of the custody certificate points out that petitioner has similar antecedents, however it also points out that petitioner is in custody in the present FIR for nine months. Although the allegations against the petitioner are of siphoning money of bank custody while posted as Manager of HDFC Bank but given the undertaking made by the counsel for the petitioner that he shall not repeat the offense and will have no objection that if he repeats the offense, this bail be cancelled, on this assurance, this Court is willing to grant another opportunity to the petitioner to course correct and live a life of honesty.

9. 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.

10. Per paragraph 2 of the bail petition, the petitioner has been in custody since 07.12.2024. Per the custody certificate dated 12.09.2025, the petitioner's total custody in this FIR is 09 months.

11. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.[1]In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.[2] Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.[3] Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.[4] When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.[5]

12. Given the above, 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.

13. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

14. 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

[1] Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

[2]Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

[3] Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

[4] Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

[5] Supreme Court of India in Sanjay Chandra v. CBI , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

15. 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.

16. 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)	

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

18. 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.

19. 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.

20. 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.

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

22. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

23. 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."

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

(ANOOP CHITKARA)
JUDGE

29.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.