

CRM-M-44260-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-44260-2025 (O&M)****Reserved on : 11.11.2025****Pronounced on : 29.11.2025**

Sanjay Rana

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Satbir Rathore, Advocate for the petitioner.

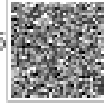
Mr. Sunny Namdev, AAG, Haryana.

Mr. Wazir Singh, Advocate for the complainant.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 467, 468, 471, 406, 419, 420, 506, 201 and 120B of the Indian Penal Code, the FIR No.295 dated 15.07.2023 has been lodged in Police Station Taraori, District Karnal. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition for bail filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the complaint of Mewa Singh, hereinafter being

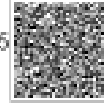
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referred to as 'complainant' only. It was stated by him that he was agriculturist by profession, and that one of his sons was living in Ireland, who was having friendly relationship with the son of accused No.2 (Rakesh), who, too, was residing in Ireland, namely Amit. According to complainant, he had sold his entire agricultural land, and was looking for purchase of another piece of land from the money, he received by sale of his land.

3. According to complainant, the accused No.1, namely Jagdish Bhathla, was aware of the abovementioned desire of the complainant, and that he introduced the complainant with accused No.2 and 3, namely Rakesh and Fateh Singh, by saying that they could facilitate the purchase of agricultural land to the complainant. As per complainant, he believed the abovenamed accused, and on their recommendation, entered into a deal for purchase of land, belonging to accused No.5, namely Satpal Singh, and paid Rs.60,00,000/- through bank transactions on 30.07.2022, and got the Agreement to Sell executed. According to complainant, the sale deed of the abovementioned property was to be executed by 20.12.2022.

4. As per complainant, in October, 2022, the accused No.2 to 4 approached him and asked for more money, as there was loan upon the land to be purchased, and it had to be repaid. It has been alleged by the complainant that in view of abovementioned demand, he paid Rs.22 lacs on 13.10.2019 and Rs.18,00,000/- on 19.10.2019 through bank transfer in the account of Satpal Singh, and that in the same fashion, in November, 2022, accused No.2 to 4 came to the complainant and asked to pay Rs.20,00,000/-.

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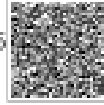
As per complainant, on 22.11.2022 he transferred Rs.17,00,000/- in the account of Nattha.

5. It has been further alleged by the complainant that on 14.12.2022, the accused No.2 to 4 met him, and told that although the loan on the land has been repaid, but certain formalities are yet to be completed, and they asked for extension of last date for execution of sale deed, and thus, it was extended upto January, 2023. As per claim of the complainant as per assurance he had attended the office of Sub-Registrar on 10.03.2023 for the execution of sale deed in his favour, but the accused did not turn up, and later on, he came to know that he has been defrauded and the property does not belong to the petitioner.

6. It is the case of the prosecution that during investigation, involvement of accused Sanjay Rana (petitioner herein) was found in the commission of abovementioned offence and he was arrested.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has clean antecedents. As per learned counsel for the petitioner, there is no evidence to connect the petitioner with the commission of crime, and that he has already suffered a lot of incarceration for being in custody for a period of 05 month and 20 days. According to learned counsel for the petitioner, the offence is triable by the Court of Judicial Magistrate, and that the trial is not likely to be concluded in near future.



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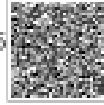
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9. *Per contra*, the learned State Counsel, being assisted by learned counsel for the complainant, has argued that allegations against the petitioner are of serious nature, as he was the person, who impersonated himself as owner of the property, and executed the Agreement to Sell. According to learned State Counsel, without active involvement of the petitioner, the possibility of cheating with the complainant was not possible. It has also been argued by learned State Counsel that if released on bail, the petitioner may influence the witnesses.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision: -

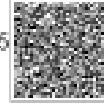
- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the maximum punishable prescribed for the abovementioned offence is imprisonment upto 07 years;
- iii) that petitioner is already in custody for a period of more than 05 months and 20 days;
- iv) that the petitioner has no criminal antecedents;
- v) that nothing is left to be recovered from the possession of petitioner;
- vi) that the trial is not likely to be concluded in near future;
- vii) that detention of petitioner in judicial lockup is not likely to serve any purpose;



viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and

ix) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

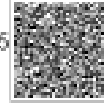
12. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of ***"Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131***, are relevant, wherein it has been observed that *"a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet,*



occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

13. The principles laid down by the Hon’ble the Supreme Court of India in the case of **‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’**, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that *“the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.*

14. Recently, in the case of **‘Tapas Kumar Palit Vs. State of Chhattisgarh’**, 2022 INSC 222, the Hon’ble Supreme Court of India has observed that *“if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”.* It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that *“delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of*



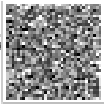
their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

15. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “***Balwinder Singh versus State of Punjab and Another***”, ***SLP (Crl.) No.8523/2024***.

16. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

17. Accordingly, without commenting anything on the merits of the case, the present petition is hereby ***allowed***. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.



18. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 29, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No