



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

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**CRM-M No.48636 of 2024
Date of decision : 9.7.2025**

Mange Ram**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Renu Dhull, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present second petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.85 dated 4.5.2023, under Sections 370, 420, 406 and 506 of the IPC & Section 24 of Immigration Act, registered at Police Station Naggal, District Ambala.

Compliance report by way of affidavit of Ajit Singh Shekhawat, IPS, Superintendent of Police, Ambala dated 4.7.2025 has been filed in Court today. The same be kept on record. A copy thereof has been furnished to learned counsel for the petitioner. Keeping in view the entirety of the facts and circumstances of the case, the explanation rendered by Superintendent of Police, as sought vide order dated 22.5.2025, is accepted.

2. The case set up in the FIR in question (as set out in the present



petition by the petitioner) is as follows:-

'To the SP Ambala Subject:-Complaint against Manga Ram son of Sh. Harpal Singh (Phone No. 8307388499) r/o Bhiwani Kera, District Kurukshetra for committing fraud on the pretext of sending the son of the complainant Abroad and taking money. Respected Sir, I Karnal Singh son of Sawan Ram r/o Village Sehni Pur, District Patiala and worked as Agriculturist. I am a senior Citizen. My son Sukhwinder Singh is 12th class passed and I wanted to send him Abroad on study basis. Balkar Singh son of Balbir Singh r/o Village Jansua, Tehsil Ambala is known to me. I told him everything that my son wants to go Abroad, on which Balkar Singh told that his one relative Manga Ram is working for sending people Abroad. He has already sent many people to Abroad and then he introduced to me to Manga Ram son of Harpal Singh. Accused Manga Ram told me that he would sent my son Canada on study basis and the total expenditure would be Rs. 32 lacs. Karnal Singh asked for 2-3 days time and told that he would informed Balkar. Then, I told Balkar Singh that my son is ready to go Abroad so please call Manga Ram. On dated 02.12.2021 accused Manga Ram came to the Shop of Balkar and told that Rs. 5 lacs would be required initially alongwith passport and Rs. 27 lacs would be handed over later. He assured me that he would send my son Abroad within a month. After that on 22.02.2022 Manga Ram came to me and told that every thing has been done and on 23.02.2022 your son has to go Abroad by air from Delhi after that accused Manga Ram took my son to Delhi. On 28.02.2022 my son called me on phone and informed that he has reached Abroad very well and told me to give remaining money to Manga Ram. After that I gave remaining Rs. 27 lacs to Manga Ram. On dated 15.03.2022 my Sukhwinder returned home and told that the accused Manga Ram and his companion sent him Kathmandu Nepal instead of Canada and they also caused beatings to him. They put gun on his forehead and told him to speak lie that he had reached Canada and if he did not say like this then they would kill him. After some time I alongwith few people went to the house of Manga Ram wherein he returned Rs. 7 lacs and gave assurance that the remaining money would be returned soon. After that I went many times to the house of Manga Ram to take my money back but he did not give any satisfactory answer. In the month of February I went to the house of Manga Ram to take my money back then he threatened me that he did not have money and if in future I demanded



my money back then he would kill me. As he had links with higher officials. Now, I came to know he is a very clever kind of person who had done this earlier also. He is now saying me to meet Balkar while the Balkar has nothing to do with this. I have handed over the money to Manga Ram. About this I have filed one complaint to S.P. Ambala on 27.02.2023 which was sent to Police Station Nagal but till date no action has been taken. That I am poor agriculturist and my money has been taken by Manga Ram so kindly taken appropriate legal action against Manga Ram. Sd/-Karnal Singh.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 6.8.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question by the FIR-complainant on account of a dispute which was primarily between the FIR complainant and co-accused namely, Karnail Singh. Learned counsel has further argued that there is a long list of 15 prosecution witnesses but none has been examined till date and the petitioner is languishing in jail since August 2023. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 7.7.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 6.8.2023 whereinafter investigation was carried out and challan was presented on 3.10.2023. It is not in dispute that the petitioner is in continuous custody from the said



date i.e. 3.10.2023. Charges have been framed only on 1.4.2025 and with the list of 15 prosecution witnesses, the trial will indubitably take its own time. The rival contentions give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 7.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about one year and eleven months. The said custody certificate shows the petitioner to be involved in two more cases, bearing FIR No.57 of 2019 under Sections 61 and 78(I)E of Excise Act, registered at Police Station Moonak, Sangrur and FIR No.216 dated 9.9.2023 under Sections 370, 406, 420 and 506 of IPC, registered at Police Station Naggal, Ambala. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High



Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

6.2. The petition in hand is the second bail petition preferred before this Court. The first bail petition was dismissed as withdrawn at that stage on 12.2.2024. Indubitably, a change in circumstances is inevitable for maintainability of the second/subsequent bail petition—prolonged incarceration undergone by the accused after the rejection of the earlier bail petition constitutes a weighty and relevant consideration in adjudication of the second bail plea. The passage of time and the period of custody cannot be ignored, especially where trial is unlikely to conclude in the near future. Keeping in view the extended incarceration of the petitioner and the slow pace of the trial, this Court is inclined to favourably consider the instant petition. A profitable reference in this regard is being made to a judgment passed by this Court in *Rafiq Khan versus State of Haryana and another: 2024(2) Law Herald 1140*; relevant whereof reads thus:

“10. As an epilogue to the above discussion, the following principles emerge:

I. Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.



III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before



the trial.

(iv) The petitioner shall not commit any offence while on bail.

(v) The petitioner shall deposit his passport, if any, with the trial Court.

(vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

9.7.2025
Ashwani

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