

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

248

CRM-M-48311-2025

Date of decision: 4th September, 2025

Ajay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parveen Kaushik, Advocate for the petitioner.

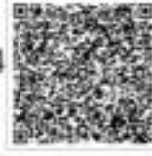
Ms. Himani Arora, Deputy Advocate General, Haryana.

Mr. Chandan Singh, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

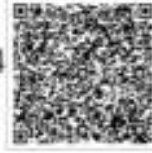
The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 265 dated 25.03.2023 registered under Sections 406, 415, 420, 467, 468, 471 and 506 of IPC (Sections 467, 468 and 471 of IPC were deleted later on) at Police Station Samalkha, District Panipat, Haryana.

2. The aforementioned FIR was registered on the basis of complaint lodged by the complainant Parveen Kumar alleging therein that the petitioner-Ajay Kumar was proprietor of the firm M/s Durga Engineering which was indulged in the business of taking contracts of mechanical engineering of M/s Nestle India Limited Company situated at Samalkha. Mamta Rani, wife of the present petitioner, was working as



Manager of the above named firm, whereas accused Vicky, Bimal, Harish and Janak Garg were other family members of the petitioner. Accused Sandeep Dagar was working as supervisor in the firm of the petitioner. The accused Bimal and her husband Janak Garg allured the complainant to invest money in the firm of petitioner by assuring handsome returns. On being so induced and after being allured by the other accused as well, the complainant became ready to invest a sum of Rs. 27,00,000/- in the firm of petitioner. A partnership deed was executed between the complainant and the petitioner on 03.06.2022 which was registered. As per the terms of that deed, the complainant became partner to the tune of 60% share whereas the remaining 40% share remained with the petitioner. The accused in connivance with each other made the complainant invest more amount of money in cash on the allurement that he would be gaining handsome profits. However, subsequently, he came to know that the accused persons were involved in cheating and defrauding innocent persons and they had executed partnership deed with one Prem Chand also in the past who was made to invest a huge amount of money. Several other persons had been cheated in the similar manner.

3. As per the further allegations, in the meanwhile, the petitioner and the co-accused had absconded. Their phones were found to be switched off. They started extending threats to the complainant with the intervention of some respectable persons. A compromise was effected and the accused had assured to return a sum of Rs. 5,00,000/- on 31.10.2022 but failed to do so. The complainant therefore, prayed for taking action against them. After registration of FIR, investigation proceedings were initiated. Proclamation

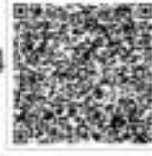


proceedings were initiated against the petitioner and his wife as they were absconding. They were, however, arrested on 08.09.2024. On interrogation, they suffered disclosure statements. The petitioner got recovered cash amount of Rs. 1,00,000/-. Co-accused Vicky was extended benefit of bail. Investigation now stands concluded. The petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has been in custody since 08.09.2024. He has been charge-sheeted for commission of offences punishable under Sections 406 and 420 of IPC which are anti-thesis to each other. The subject offences are triable by Magistrate. He has clean antecedents, as apart from two complaints filed under Section 138 of Negotiable Instruments Act, 1881, no other case has been registered against him. Trial will take considerable time. The co-accused Mamta and Vicky have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. No purpose would be served by keeping him in custody. It is, therefore, urged that he deserves to be released on bail.

5. Notice of motion.

6. Learned State counsel has advance notice of the petition and is ready to argue the matter. At this stage, Mr. Chandan Singh, Advocate has put in appearance on behalf of the complainant and has filed memo of appearance. It is argued by learned State counsel assisted by learned counsel for the complainant that there are serious allegations against the petitioner. In fact, he is the master mind of the crime. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail.



Therefore, it is urged that the petition does not deserve to be allowed.

7. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

8. The petitioner has been in custody since 08.09.2024. Trial will take time to conclude. The offences for which he has been charge-sheeted are triable by Magistrate. In the peculiar circumstances of the case, this Court is of the considered opinion that further incarceration of the petitioner would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th September, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*