



CRM-M-47904 of 2025

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

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CRM-M-47904 of 2025
Date of Decision: 03.09.2025

Rakesh Roshan Saini

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Raghav Sharma, Advocate
or the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.11 dated 17.03.2025 registered under Sections 318(4) of the Bharatiya Nyaya Sanhita, 2023, (Sections 338, 336(3), 340(2) and 61(2) of the BNS added later on), at Police Station Cyber Crime Police, District Kurukshetra.

2. The FIR was lodged on the statement of Rakesh Roshan Saini son of Mohan Lal Saini-complainant who had stated that his PAN card and Aadhar Card has been misused by the petitioner (who is having same name as of the complainant) for taking loan of Rs.15,00,000/-.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the

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petitioner has no concern with the offence in question and a false recovery has been shown from him. The loan has been disbursed by the bank in the name of complainant itself and no amount has been disbursed in favour of the petitioner. It has also been contended that the said incident took place in July 2022 and FIR in question was registered on 17.03.2025 i.e. after a long delay of more than two and half years, which is not justifiable in the eyes of law. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 26.03.2025. Further, co-accused Mayank Sharma and Deepak Dubey have already been granted the concession of regular bail by this Court, vide order dated 08.08.2025. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel who has appeared on advance notice of the petition, filed the custody certificate of the petitioner and the same is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the allegations against the petitioner are serious in nature and he has played an active role in the offence in question. However, he has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last 05 months, investigation is complete, and the fact that trial may take a long time to conclude, no useful purpose would be served by



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detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

03.09.2025

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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