



CRM-M-47553 of 2025

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

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CRM-M-47553 of 2025
Date of Decision: 02.12.2025

Mousam Chakraborty

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Tanvir Singh Grewal, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, 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.320 dated 09.11.2023 registered under Sections 420, 467, 468, 471, 511 and 120-B of IPC, at Police Station Sector 17/18, District Gurugram.
2. Brief facts of the present case as per prosecution are that the petitioner along with co-accused had prepared fabricated bank guarantee to the tune of Rs.13 crores. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that neither the petitioner was beneficiary to the alleged transactions nor has any concern with the said offence. He argues that the forged bank guarantee was

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prepared by the main accused Purshottam Hunsungi, Managing Director of M/s Green Gold Petro Mines Pvt. Ltd. and in his disclosure statement, one Suresh Babu had forged the bank guarantee for him. He further argues that the bank guarantee was forwarded to him on his e-mail ID, which he forwarded to co-accused Sajad Ahmad Bhatt in good faith and the petitioner had no knowledge of forged nature of bank guarantee. He further argues that even if the contents of the FIR are taken to be true, even then no overt act has been attributed to the present petitioner regarding preparing the said forged bank guarantee and no financial loss has been caused to the complainant bank due to any action attributed to the petitioner. He further argued that the petitioner was arrested in a similar FIR No.319 dated 09.11.2023 and while in custody in that case, his production warrants were issued and he was taken into custody in the present case on 21.07.2025. Though, he was taken into custody in the present case on 21.07.2025 but practically, he is in custody since 30.12.2024. Nothing is to be recovered from the petitioner. The investigation in this case is complete and challan stands presented. He further submits that there are total 14 prosecution witnesses but none have been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She argues that the



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petitioner had admitted his guilt in his disclosure statement and recovery of Vivo mobile phone, I-phone and one ASUS Laptop used in the crime has also been effected from him, which itself shows the involvement of the petitioner in the offence. She has further submitted that the petitioner is involved in one more case of similar nature but does not dispute the fact that he is on bail in that case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner has been in custody for the last more than 04 months in the present case; investigation is complete; challan stands presented; no prosecution witnesses has been examined; the complicity of the petitioner is a matter of trial, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued 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.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held 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*".

7. 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



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Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

02.12.2025 (RUPINDERJIT CHAHAL)
D.Bansal JUDGE

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