



CRM-M-52869 of 2025

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

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CRM-M-52869 of 2025
Date of Decision: 02.12.2025

Sajad Ahmad Bhat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Bimal Maini, 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 no direct or indirect role has

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been attributed to the present petitioner in preparing the forged 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 and no financial loss has been caused to the complainant bank due to any action attributed to the petitioner. He argues that the petitioner had joined the said branch on 10.04.2023 but the then Branch Manager-Kavita Singh had not handed over the charge to him. He further argues that in fact, within 10 days of joining, the petitioner has been roped in the FIR and made a scapegoat to settle professional vendettas. The petitioner is in custody since 30.08.2024. 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 petitioner had played an active role in the offence and there are specific allegations against him that he forwarded the bank guarantee from laptop of one Alok Yadav. 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



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custody for the last more than 01 year and 03 months; investigation is complete; challan stands presented; no prosecution witnesses has been examined; the complicity of the petitioner is a matter of trial, the trial is proceeding at snail's pace, 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 Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

02.12.2025

D.Bansal

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