



CRM-M-52476-2025

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

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CRM-M-52476-2025 (O & M)

Date of decision: 30.10.2025

AJAY KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Virat Rana, Advocate,
for the petitioner.

Mr. Rakesh Kumar Jangra, AAG, Haryana.

Mr. Rahil Mahajan, Advocate,
for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.72 dated 15.03.2025, registered at Police Station Gandhi Nagar, District Yamuna Nagar, under Sections 10 and 24 of the Immigration Act, 318(4), 351(3), 61(2) of BNS, 2023 (Sections 316(2) BNS, 2023 added later on).

2. Learned counsel contends that the petitioner has been in custody for about 6 months. He alleges false implication. The petitioner had got issued visa, Annexure P-2, for the son of the complainant for Republic of Guyana, who is now stated to be hale and hearty in Maxico as

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per the affidavit of the another son of complainant, Amrit Singh. There is no cheating that was done at his hands. The amount paid to him also stands recovered from his bank account. Charges have been framed on 08.08.2025, however, none out of 13 PWs has been examined as yet. The petitioner is involved in one more case wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 29.10.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 5 months and 13 days.

4. Learned State counsel opposes the bail on the ground that the petitioner had promised the complainant to send his son to North America, however, was sent to South America, for which the amount had been taken by him and also on his asking transferred to the other co-accused. However, he is unable to controvert the submissions with regard to stage of the case and the petitioner being on bail in another case.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged

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and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc.”

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 5 months and 13 days; on bail in other case; charges stand framed on 08.08.2025, however, out of 13 PWs, none has been examined so far; the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial

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Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.

(viii) The petitioner shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

30.10.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No