

2025:PHHC:066458



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

1.

CRM M-57112 of 2024
Date of Decision: 14.05.2025
- Prashant Jain

Versus

...Petitioner
- State of Haryana

... Respondent
2.

CRM M-17061 of 2025
- Navneet Kumar Bharti

Versus

...Petitioner
- State of Haryana

... Respondent
3.

CRM M-57649 of 2024
- Ranjeet Raj Chopra

Versus

...Petitioner
- State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Dhruv Sihag, Advocate, for the petitioner
in CRM M-57112 of 2024.

Mr. Anoop Kumar Yadav, Advocate
for the petitioner in CRM M-17061 of 2025.

Mr. Varun Veer Chauhan, Advocate
for the petitioner in CRM M-57649 of 2024.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Vimal Kumar Gupta, Advocate with
Mr. Mukul Bura, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off three petitions, i.e., **CRM M-57112-2024** titled as **“Prashant Jain Vs. State of Haryana”**, **CRM M-57649-2024** titled as **“Ranjeet Raj Chopra Vs. State of Haryana”** and **CRM M-17061 of 2025** titled as **“Navneet Kumar Bharti Vs. State of Haryana”**, whereby, the petitioners have prayed for grant of regular bail to them in case arising out of FIR No. 51 dated 15.11.2023 registered under Sections 419, 420, 467, 468, 471, 204 and 120-B IPC and Section 66-D of IT Act at Police Station Cyber Crime, Manesar, District Gurugram.

2. Learned counsel appearing on behalf of Prashant Jain (petitioner in CRM M-57112 of 2024) submits that after the registration of the FIR, the matter has been amicably settled between the petitioner and the complainant and a deed of compromise (Annexure P-4) has been executed between the parties. Even, the complainant would have no objection, in case, the petitioner is granted the concession of regular bail by this Court. Even otherwise, the petitioner was not named in the FIR and his name surfaced only in the second disclosure statement of Sushil Kumar Chorasias @ Sonu, co-accused. In fact, such a statement was inadmissible piece of evidence and apart from that disclosure statement, no other evidence could be collected against him. Even otherwise, some money and mobile phone are shown to have been recovered from the petitioner

which are inconsequential as they did not connect him with the crime in any manner. Learned counsel next contends that after completion of investigation, the *challan* has already been presented against the petitioner and no purpose would be served by keeping him behind the bars. The petitioner was arrested in the present case on 08th June 2024 and is in custody for almost 11 months. Further, even there was no allegation that the petitioner had contacted the petitioner/victim in any manner or had hatched a criminal conspiracy with the main accused to cheat the complainant in the present case. Further, the petitioner was involved in 05 more cases and in 04 cases, he has been granted the concession of bail, which is apparent from the bail orders (Anneuxres P-8 to P-11).

3. Still further, learned counsel appearing on behalf of Ranjeet Raj Chopra (petitioner in CRM M-57649 of 2024), submits that during the course of investigation, the details of Telegram app group were obtained, which was based in Dubai and the petitioner had no concern with the main accused in the present case. In fact, the co-accused, who were arrested by the police, also named the petitioner as their accomplice, during the course of investigation and there was no evidence to show that the petitioner had any knowledge with regard to the commission of the crime by his co-accused. The petitioner was arrested in the present case on 1st June 2024 and the *challan* has already been presented against him. Still further, the police has shown the recovery of two mobile phones and Rs. 50,000/-

from the petitioner, which does not advance the case of the prosecution in any manner. The petitioner has an elder mother and two minor children who are totally dependent on the petitioner for their well being.

4. Learned counsel appearing on behalf Navneet Kumar Bharti (petitioner in CRM M-17061-2025) submits that the petitioner had not committed any offence, as alleged in the FIR. Even, the petitioner had no concern with the main accused, who had deputed the general public. The name of the petitioner only emerged from the statements of certain accused, which were recorded in police custody and on the strength of such an evidence, it cannot be presumed that the petitioner had committed the said offence rather the petitioner has been made a scapegoat in the present case and was arrested on 27th August 2024 and is in custody since then.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by the petitioners on the ground that a fraud of Rs.78 lakhs was committed with the complainant in the present case. Even, the various recoveries have been made from all the accused, who were arrested in the present case. The petitioners are habitual offenders and do not deserve the concession of bail by this Court.

6. I have heard the rival submissions made by the learned counsel for the parties and perused the record carefully.

7. It has been held by the Hon'ble Supreme Court of India in the matter of ***Sanjay Chandra Vs. CBI, 2011(4) R.C.R. (Criminal) 898 and 2011 AIR (SCW) 6838*** as follows:-

“14. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction

has a substantial punitive content and it would be improper for any Court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson.

15. In the instant case, as we have already noticed that the "pointing finger of accusation" against the appellants is 'the seriousness of the charge'. The offences alleged are economic offences which has resulted in loss to the State exchequer. Though, they contend that there is possibility of the appellants tampering witnesses, they have not placed any material in support of the allegation. In our view, seriousness of the charge is, no doubt, one of the relevant considerations while considering bail applications but that is not the only test or the factor : The other factor that also requires to be taken note of is the punishment that could be imposed after trial and conviction, both under the Indian Penal Code and Prevention of Corruption Act. Otherwise, if the former is the only test, we would not be balancing the Constitutional Rights but rather "recalibration of the scales of justice." The provisions of Criminal Procedure Code confer discretionary jurisdiction on Criminal Courts to grant bail to accused pending trial or in appeal against convictions, since the jurisdiction is discretionary, it has to be exercised with great care and caution by balancing valuable right of liberty of an individual and the interest of the society in general. In our view, the reasoning adopted by the learned District Judge, which is affirmed by the High Court, in our

*opinion, a denial of the whole basis of our system of law and normal rule of bail system. It transcends respect for the requirement that a man shall be considered innocent until he is found guilty. If such power is recognized, then it may lead to chaotic situation and would jeopardise the personal liberty of an individual. This Court, in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2005(1) RCR (Criminal) 703 : 2005(1) Apex Criminal 307 : (2005)2 SCC 42**, observed that "under the criminal laws of this country, a person accused of offences which are non bailable, is liable to be detained in custody during the pendency of trial unless he is enlarged on bail in accordance with law. Such detention cannot be questioned as being violative of Article 21 of the Constitution, since the same is authorised by law. But even persons accused of non-bailable offences are entitled to bail if the Court concerned comes to the conclusion that the prosecution has failed to establish a prima facie case against him and/or if the Court is satisfied by reasons to be recorded that in spite of the existence of prima facie case, there is need to release such accused on bail, where fact situations require it to do so."*

8. In the present case, the petitioners were arrested in June/August 2024 and are in custody for the last several months. Even, *challan* has been presented against all the petitioners and the prosecution is yet to lead evidence with regard to the involvement of the petitioners in the crime. No doubt, the allegations against the petitioners are serious in nature, but the custody of the petitioners

would not be required for any purpose, including the investigation. Further, the petitioners are not in a position to influence the witnesses of the prosecution in the present case and rather the complainant has amicably resolved all the disputes with the petitioners.

9. In view of the above, without commenting any further on the merits, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

14.05.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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