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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.55409 of 2025

Virender Balhara ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	22.12.2025
2.	The date when the judgment is pronounced	23.12.2025
3.	The date when the judgment is uploaded on the website	23.12.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Navneet Jindal, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Shelender Mohan, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short

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“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
647	09.10.2024	Hansi City, District Hansi	406, 420, 201 and 120-B of IPC and 21(3) of the Banning of Unregulated Deposit Schemes Act, 2019

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint submitted by the complainant Nitin Kumar alleging that in July 2023, he came into contact with the petitioner who represented to him that he was involved in the business of Forex trading and was running a company. He allured him to invest money in his company in lieu of huge profits and assured returns and handsome amount of interest. On being so induced, the complainant invested a sum of Rs.1,00,50,051/- during the period from September 2023 till March 2024, with the petitioner. The petitioner used to show that the complainant had earned huge profits but those profits used to be taken by him on the premise that they will be invested and the complainant would fetch more money, and qua that he used to issue security certificate. However, subsequently when the complainant asked his profits, the petitioner started avoiding the matter on one pretext or the other and thereafter extended threats to kill the complainant and his family members. Having realized that he had been duped at the hands of the petitioner, the complainant prayed for taking action. After registration of

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FIR, investigation proceedings were initiated. The petitioner was arrested on 08.07.2025. He suffered disclosure statement admitting his involvement in the crime. His wife was nominated as co-accused in pursuance of his disclosure statement. He got recovered an amount of Rs.10,500/-. The co-accused was also arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The complainant was well aware of the risks involved in Forex trading. The petitioner has not issued any certificate in favour of the complainant. The complainant himself has manipulated and forged computer generated certificates himself since he is running a photostat shop. He is in custody since long. The dispute between the parties is of civil nature. The case is based upon documentary evidence. He is not required for further investigation. The subject offences are triable by Magistrate. His further incarceration would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

4. Per contra, learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature. He is a habitual offender being involved in two more cases of similar nature. He duped the complainant of a huge amount of money and was beneficiary of the transaction. There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, hence, stressed that the petition does not deserve to be

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allowed.

5. This Court has considered the rival submissions.

6. The petitioner in connivance with the co-accused is alleged to have caused wrongful loss to the tune of Rs.1,00,50,051/- by alluring the complainant to invest the same for Forex trading and inducing that he will be fetching huge profits. The allegations prima facie make out a case for commission of the aforementioned offences against him. However, the petitioner is in custody since 08.07.2025. He is not required for further investigation since the same stands concluded. The trial will obviously take time to conclude as even charges have not been framed. The co-accused who is his wife has been extended benefit of anticipatory bail. It is well settled proposition of law that pre trial incarceration should not be a replica of post conviction sentencing. The involvement of the petitioner in other cases cannot be considered to be a reason for denying benefit of bail to him. Taking the above discussed facts into consideration, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and on the following conditions:-

(i) The petitioner shall appear before the SHO of

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concerned Police Station once on the first Monday of every month.

(ii) He shall not directly or indirectly make any inducement, threat 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.

(iii) He shall not leave the country under any circumstance without permission of the learned trial Court.

(iv) He shall appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.

(v) he shall provide his permanent address as well as present address before the learned trial Court at the time of furnishing of bonds and shall not change the same without informing the trial Court.

(vi) He shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone

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switch on all times.

(vii) He shall deposit his passport, if any, with the learned trial Court.

7. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

23.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No