

2025.PHHC.172613



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

CRM-M-56405-2025

Date of decision: 10th December, 2025

Vipan Kaushal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arman Goyal, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 359 dated 09.08.2024 registered under Sections 406, 420, 467 and 468 of IPC (Section 120-B and 506 of IPC and Section 24 of Immigration Act were added later on) at Police Station Gohana City, District Sonapat.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Raj Singh alleging that he was willing to settle in Australia. Accused Shakti Singh @ Monu and Vikas who had been acquainted with him, had told him that their cousin Deepak Sheoran was involved in the business of sending people abroad and he could help them.

2025.PHHC.172613



Accused Shakti Singh had also represented to him that his relative was posted on a high post and he could get visa issued easily. They induced him to part with a sum of Rs. 22,60,000/- on the pretext of sending him abroad. However, they got prepared a fake and fabricated visa and gave a photocopy of the same to him by asking him to book a ticket for Australia. However, the complainant came to know about the fakeness of that visa. He was extended threats by the above-named accused. After registration of FIR, investigation proceedings were initiated. Accused Shakti Singh @ Monu was arrested on 19.11.2024. On interrogation, he suffered disclosure statements and on the basis of his second disclosure statement, the present petitioner was nominated as an accused on the allegations that he had given an amount of Rs. 12,00,000/- to the present petitioner and had got prepared a fake visa in the name of the complainant. The present petitioner was arrested on 12.01.2025. He too suffered disclosure statement admitting his involvement in the crime. Some other accused were also arrested. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was not named by the complainant in the FIR. No money has been deposited with him by the complainant. He was not beneficiary of any transaction between the co-accused and the complainant. Trial will take considerable time to conclude.

2025.PHHC.172613



Registration of other cases cannot be considered to be ground for denying benefit of bail to him. Co-accused Deepak and Vikas have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. With these broad submissions, it is argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner. He is beneficiary of the transaction since an amount of Rs. 12,00,000/- out of the duped amount had been given to him by the co-accused. He does not have clean antecedents as he is involved in several other cases. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner in connivance with the co-accused is alleged to have caused wrongful loss to the tune of Rs. 22,60,000/- to the complainant by inducing him to part with the same on the premise of sending the complainant abroad. The petitioner was, however, not named in the FIR and has been implicated on the basis of disclosure statement of the co-accused. He is in custody since 12.01.2025. No recovery has been effected from him. The trial will obviously take time to conclude as only 01 out of 16 prosecution witnesses has been examined so far. The subject offences are triable by

2025.PHHC.172613



Magistrate. It is well settled proposition of law that bail is the rule and jail is an exception. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentence. Taking into consideration the nature of the allegations levelled against the petitioner, the part attributed to him, the period spent by him in custody and the attendant facts and circumstances peculiar to the case, this Court is of the considered opinion that a case is made out for release of the petitioner on bail. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.
8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

10th December, 2025
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No