

**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Misc. No. M-57358 of 20255**

**Reserved On: 09.12.2025**  
**Pronounced On: 15.12.2025**

Vinay

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Surya Partap Singh.**

Present: Dr. Pankaj Nanhera, Senior Advocate  
with Mr. Pradeep Duhan, Advocate  
for the petitioner(s).

Ms. Deepali Verma, Assistant Advocate General,  
Haryana, for the respondent.

Mr. Navjyot Singh, Advocate  
for the complaint (through Hybrid Mode).

**Surya Partap Singh, J.**

1. For the commission of offence punishable under Sections 305 and 318(4) of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred as “BNS” only [Sections 61(2), 238(b), 336(3), 338 and 340(2) of BNS added later on], the FIR No. 137 dated 13.07.2025 has been lodged in Police Station Sector 31, District Faridabad, Haryana.

2. This is first petition for bail, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

3. Briefly stating the facts emerging from record are that the above mentioned FIR came into being on the complaint submitted Harveen Singh Bali, hereinafter being referred to as “complainant” only. The pith and substance of the above mentioned complaint was that several cheques

belonging to the company of complainant, namely 'Exquisit Enterprises Private Limited' were unlawfully obtained/stolen from the premises of the company, and thereafter by forging signatures of the complainant on the above mentioned cheques, they were presented before the banker of the complainant and in the above mentioned fashion a sum of ₹20,57,000/- was siphoned off of the account of the complainant, being maintained with Union Bank of India, Okhla Branch. By virtue of above mentioned complaint, the complainant had raised the finger of suspicion towards his previous employees, namely Mohinder Singh, Shahid Saifi and Mohit Sarot, and request for registration of FIR and investigation of this case.

4. It is the case of THE prosecution that in response to above mentioned complaint, formal FIR of this case was lodged and the investigation taken up. According to prosecution it was found that the banker of complainant had encashed 11 cheques and the funds to the tune of ₹20,57,000/- were transferred into the account of Sahil, Ritu Electronics and Neha Devpal to the tune of ₹16,77,000/-, ₹1,90,000/- and ₹1,90,000/-, respectively.

5. The prosecution has further alleged that during the course of investigation when accused Sahil was arrested, on interrogation he suffered a disclosure statement wherein he admitted his guilty and revealed that Mohit, Nitesh, Vinay and Mohit Sarot were also involved in the above mentioned offence. As per prosecution, when accused/petitioner Vinay was arrested, he, too, suffered a disclosure statement, and confessed his involvement in the above mentioned activities. As per prosecution pursuant to his disclosure statement the petitioner got recovered one cheque bearing No. 35116312

and cash worth ₹1,50,000/-. It is the case of the prosecution that the petitioner was actively involved in the conspiracy with regard to commission of above mentioned offence and was also a beneficiary of proceed of crime and therefore, he has been duly prosecuted for the commission of above mentioned offence.

6. Heard.

7. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, the only evidence collected by the prosecution against the petitioner is the disclosure statement of co-accused vis-a-vis disclosure statement of the petitioner, and that the above mentioned disclosure statements are inadmissible in evidence in view of the fact that those disclosure statements were recorded when the makers of the same were already in police custody.

8. In addition to above, it has also been contended by learned counsel for the petitioner that otherwise also the petitioner is already facing prolonged incarceration for being in custody for a period of more than four months & 25 days, and that nothing is left to be recovered from the possession of the petitioner and therefore, detention of petitioner is not likely to serve any purpose. While claiming that the trial is not likely to be concluded in near future, and that the petitioner has no criminal antecedents, the learned counsel for the petitioner has urged for the benefit of bail for the petitioner.

9. Per contra the learned State counsel has argued that there are

very specific and categorical allegations of involvement of petitioner in the cheating and fraud. As per learned State counsel, the link between the commission of crime and the petitioner stands proved from the fact that pursuant to disclosure statements, the cheque belonging to company of complainant was recovered from the possession of petitioner. The learned State counsel has also argued that the offence committed by the petitioner is of serious nature, and that the strong link between the commission of crime and the petitioner renders him ineligible for the benefit of bail.

10. The record has been perused carefully.

11. A careful perusal of record shows that in the present case, there are several relevant factors which are required to be taken into consideration for arriving at any decision with regard to instant bail petition. These factors are:-

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the petitioner has no criminal antecedents;
- iii) that the investigation in this case is already complete which shows that nothing is left to be recovered from the possession of petitioner;
- iv) that the petitioner is already in custody for a period of more than four months & 25 days;
- v) that the trial is not likely to be completed in near future;
- vi) that the only evidence collected by the Investigating Officer against the petitioner is the disclosures statements suffered by the co-accused of the petitioner. The

credibility of the above mentioned disclosure statement suffers a set back in view of the following two factors:-

- a) that at the time of suffering the above mentioned disclosure statements, the petitioner was already in custody;
- b) that the alleged recovery of cheque from the possession of petitioner is surrounded by suspicious circumstances in view of the fact that for a long time, i.e. from the date of theft till its recovery, the petitioner never tried to misuse the same by presenting the same for realization before the banker of complainant;
- vii) that further detention of the petitioner is not likely to serve any purpose;
- viii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that while on bail the petitioner will not participate/cooperate in the trial.

12. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of ***Dataram v. State of Uttar Pradesh and Another(2018) 3 Supreme Court Cases 22***, has observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law

where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.”

13. The principles laid down by the Hon’ble the Supreme Court of India in the case of *Satender Kumar Antil v. Central Bureau of Investigation and Another (2022) 10 SCC 51*, are also relevant in this case. In the above mentioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible

adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice.”

14. Recently, in the case of *Tapas Kumar Palit v. State of Chhattisgarh 2025 SCC Online SC 322* the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed.” It has also been observed by the Hon’ble Supreme Court of India in the above mentioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently.”

15. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in *Balwinder Singh versus State of Punjab and Another 2024 SCC Online SC 4354*.

16. If the cumulative effect of all the above mentioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

17. Accordingly, without commenting anything on the merits of the

case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- a) that the petitioner 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 to disclose such facts to the Court or to any other authority;
- b) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of learned trial Court.

18. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in that regard.

19. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

**(Surya Partap Singh)**  
**Judge**

**December 15, 2025**  
**“DK”**

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