



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-58199-2025
Date of decision: 02.12.2025

MOHD. SHAHBAN ALIAS SALMAN

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Surinder Dagar, Advocate for the petitioner.

Mr. R.K. Ambavta, DAG, Haryana.

YASHVIR SINGH RATHOR. J.(Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.402 dated 16.06.2025, under Section 318(4) of BNS, 2023 (Section 61(2) of BNS, 2023 added during investigation), registered at Police Station Sector-10, Gurugram, District Gurugram.
2. Present case was registered on the basis of complaint given to the police by Ankush Yadav with the allegations that one Saurabh Yadav lives in his society and used to issue advertisement on Whatsapp for sale of flats and he was living in the same society. He sent him details of 3 BHK flats and offered to get him sold a flat in ROF Atulyas, Sector 93, Gurugram. He paid him a sum of Rs.50,000/- in his account, and thereafter payments of Rs.81,000/- and Rs.1,31,000/- were also made. Thereafter, he told him that he has got another flat in Signature Proxima Sector 89, Gurugram, which is ready to move in and he sent his assistant Salman (petitioner) alongwith him to see the flat, where he was



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shown the flat and possession was offered to be delivered in 20 days. In all, he paid Rs.7,13,000/- to him and he has also made him speak with one person namely Sunil, who claimed to be an employee of Signature Proxima. Now, it has been revealed that all of them have intentionally cheated him and embezzled his money. When he insisted him to return the money, he issued him two cheques of Rs.7,38,000/- but the same have been dishonoured and he sought action against them.

4. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

5. Learned counsel for the petitioner contended that petitioner is merely an employee in the society, where both the parties live and he was sent to show the flat to the complainant by main accused namely Saurabh Yadav. No amount has been transferred by the complainant in his favour and he never induced the complainant to purchase the flat. Petitioner has wrongly been arrayed as an accused. Petitioner is in custody since 11.07.2025. Final report/challan has already been presented after completion of investigation. All the offences are Magisterial trial and the trial is likely to take a long time to conclude and further detention of the petitioner is not required and he may be released on bail.

6. On the other hand, learned State Counsel has opposed the bail and sought for its dismissal in view of the gravity of the offence.

7. As per allegations in the FIR, it is the main accused namely Saurabh Yadav, who had offered to sell the flat to the complainant. All the payments were also made to him. No payment was made to the petitioner and he merely accompanied the complainant on one occasion to show him a flat in Signature



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Tower at the instance of Saurabh Yadav. As such, it will be a debatable question during trial, as to whether the petitioner had connived with the main accused or not. Petitioner is in custody since 11.07.2025. All the offences are Magisterial trial. The trial is likely to take sufficiently long time to conclude and no useful purpose will thus be served by detaining the petitioner in custody anymore and he deserves to be released on bail.

8. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

02.12.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No