



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

225

CRM-M-61642-2025 (O&M)

Date of decision: 08.12.2025

Gulshan Jain

....Petitioner

Versus

Central Bureau of Investigation

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Arun Abrol, Advocate for the petitioner

Mr. Ravi Kamal Gupta, Advocate for the respondent-CBI

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.RCCHG2019A0014 dated 04.11.2019, registered under Sections 120-B, 420, 406, 403 IPC and Section 13(2) read with 13(1)(D) of Prevention of Corruption Act at Police Station CBI, ACB Chandigarh.

2. Learned counsel contends that the petitioner has been in custody for 1 year and more than 1 month. He was mere a guarantor along with 14 more. He has been implicated in this case only on account of being father of the main accused-Nitin Jain, who was Karta in the HUF. The offences are triable by Magistrate. Challan was presented on 30.12.2021 and charges have been framed on 11.11.2025, however, out of 36 prosecution witnesses, none has been examined. The petitioner is involved in 5 more cases of similar nature, in 4 whereof, he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.



3. The custody certificate by the learned counsel for CBI is taken on record. As per the same, the petitioner is behind bars for 1 year, 1 month and 9 days.

4. Learned counsel for CBI opposes the bail on the ground that there are specific allegations against the petitioner of selling of hypothecated property without authority of the Bank in connivance with the main accused. However, he is unable to controvert the submissions with regard to stage and the petitioner being on bail in 4 cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 1 month and 9 days; on bail in some cases; it is case of magisterial trial; challan stands presented wayback on 30.12.2021; charges were framed on 11.11.2025, however, prosecution evidence is yet to commence, the trial is likely to take a considerable time,



further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten 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 or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.



10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

08.12.2025
M.Kamra

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