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2025:PHHC:173184



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

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Kuldeep Singh Maan @ Kuldeep Maan

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: December 11, 2025

Date of Uploading: December 11, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Neha Shukla, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present third petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.469 dated 04.10.2018, for the offence punishable under Sections 406 & 420 of the IPC (Section 506 read with Section 34 of IPC, Section 120-B of IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Established Act, 2013 added later on), registered at Police Station Pehowa, District Kurukshetra.

2. The gravamen of allegations against the petitioner is that a complaint bearing No.469-NAD dated 28.07.2018 was received by post from the DIG of Police, Haryana, Chandigarh, seeking legal action against Jaswinder Mann (son of Jagtar Singh, DMD), Kuldeep Mann-petitioner

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herein (son of Jagtar Singh Mann, MD), Malkiat Mann (son of Jagtar Singh, Director), and Indu Rani (wife of Kuldeep Mann, Director), all associated with Alpine Agriculture Land Developer Limited, residing at House No.76-B/6, Virk Colony, Patiala, Punjab, and House No.209, Bajwa Colony, Gali No. 5, Patiala, Punjab, in connection with allegations of cheating.

It was alleged that in March 2013, the accused arrived in the Pehowa area with fraudulent intentions and came into contact with the complainants. Acting according to their plan, the accused arranged meetings and introduced their company—Alpine Agriculture Land Developer Ltd.—claiming that it was recognized by the Ministry of Corporate Affairs and that they had undertaken large liquidation ventures worth crores under the Ministry. The accused then persuaded the complainants and others to invest money in their company, promising substantial returns. They allegedly offered commissions ranging from 4% to 15% if the complainants brought in investments from their friends and relatives, and further assured interest at the rate of 18% per annum on invested amounts. The accused also opened an office in the Super Market, Pehowa, and appointed Jaswant Singh (now deceased) as the Manager.

Based on these representations, Sukhdev Singh invested ₹20 lakhs; Raj Kumar invested ₹23 lakhs of his own and his relatives' money; Rohit invested ₹2,86,600/- of his own and his relatives' money; and Suresh Kumar, Puran Chand, along with several others, made similar investments. However, it is alleged that the accused cheated all the investors and failed to pay even a single penny upon maturity of the investment. Subsequently, the

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accused closed their office and allegedly issued threats to the complainants and other investors.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.12.2020. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that once business module of the petitioner failed, various investors/ depositors have a case registered against him. Learned counsel has further iterated that there was never ever any intention of the petitioner to cheat anybody, but it is solely on account of failure of his business enterprise. Learned counsel has iterated that total 69 prosecution witnesses have been cited, out of which, 57 already stand examined completely, but the petitioner would be required to lead defence evidence as well. Learned counsel has further iterated that maximum sentence imposable against the petitioner *qua* FIR in question is 7 years, whereas, the petitioner is in custody since December 2020. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel has argued that there are multiple FIR(s) against the petitioner and he is facing trial in various criminal complaints under Section 138 of the NI Act as well on account of dishonor of cheque(s) therein. Learned State counsel has further iterated that large number of complainant(s)/ victim(s) have been defrauded and, thus, the petitioner ought not to be extended concession of regular bail. Learned State counsel seeks to

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place on record custody certificate dated 11.12.2025 in the Court today, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 28.12.2020 and is in continuous custody since then *qua* FIR in question. The challan (charge-sheet) was filed on 12.05.2021. It is not in dispute before this Court that total 69 prosecution witnesses have been cited, out of which, 57 already stand examined, completely, till date. However, keeping in view the extremely long custody of the petitioner, i.e., for a period of about 05 years, this Court is inclined to consider the plea in hand despite the pace of progress of trial. The rival contention raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 11.12.2025 filed by learned State counsel, the petitioner is stated to be involved in multiple other FIR(s) as also various criminal complaints under Section 138 of the NI Act. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the appellant in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be

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placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*, a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

6.2. Indubitably, the present petition is the third attempt by the petitioner to secure regular bail. The first bail plea was dismissed on 25.10.2024 and second bail plea was dismissed on 21.04.2025 by this Court. However, at the time of dismissal of second bail plea of the petitioner, the following order was passed:

“8. However, since the petitioner has been in custody for more than 4½ years, the learned Trial Court is directed to ensure expeditious conclusion of the trial, preferably within the next 03 months from today.”

Various *zimni* orders brought forth by the learned counsel for the petitioner when juxtaposed with the directions contained in paragraph-8 of the above said order reflects that the petitioner has further suffered incarceration and non-conclusion of the trial cannot be attributed to the petitioner. In this view, this Court is inclined to affirmatively consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in *CRA-S-2332-2023* titled as *Rafiq Khan versus State of Haryana and another*, relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:
I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.

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- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

December 11, 2025
mahavir

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