



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

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**CRM-M No.66797 of 2025
Date of decision : 9.12.2025
Date of uploading : 9.12.2025**

Manoj KumarPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. S.S. Kaushik, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

Mr. Aditya Sanghi, Advocate and
Mr. Sumit Sharma, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present second 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.388 dated 26.8.2025 under Sections 316(2), 318(4), 338, 336(3) and 61(2) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station City Bhiwani, District Bhiwani.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'S.P. OFFICE, BHIWANI, DIARY No. 3336/PG DATED 05.05.2025. To, The Hon'ble Superintendent of Police, District : Bhiwani. Subject: Regarding absconding after getting/receiving money fraudulently. Sir, I Jai Bhagwan son of Shri Sunder Lal am resident of 132, New Grain



Market ('Nayi Anaj Mandi'), Bhiwani, I came into contact with Kunal son of Shri Narender Kumar, resident of Village Jaani Khurd, District Meerut, Uttar Pradesh. He allured me by explaining that a Company after getting the money in cash would return the money with an increase through RTGS to the bank account. Falling into his trap, on 25.07.2025, I went from Bhiwani to the address given by him in Laxmi Nagar, Delhi and also took along Rupees One Crore in cash with me. My friend Sachin Goyal son of Shri Prem Chand, and my driver Bunty also accompanied me on 25.07.2025. At around 11.00 A.M. (in the morning) we reached the address given by Kunal (Office number 306, 3RD Floor, D-35, B-Block, Lakkshmi Nagar, near Domino's Parking, Delhi). When we reached there, we could not find Kunal there. When we contacted him through phone, he told us to meet Mahinder Singh at the said address and also stated that he was his man. He instructed us to deposit the said money with Mahinder Singh and get a receipt. He stated that the Company providing the RTGS service, named TERRAI TEA COMPANY LIMITED, WEST BENGAL, had added your bank account to their Bank account. He also sent us a screenshot of this on WhatsApp. Kunal told us that there was a person named Manas Chaturvedi (alias Srivastava) who was an Officer of the above Company. He had given Mahinder Singh's address and Mahinder Singh would also get held our conversation with Manas Chaturvedi (alias Srivastava). Mahendra Singh connected us with his boss (Santosh Garg), Kunal, and Manas Chaturvedi (alias Srivastava) on a Conference Call and assured us that we should give the cash to Mahinder Singh, who was present on the spot, and get a receipt from him. After that, Kunal and Manas Chaturvedi (alias Srivastava) stated that the R.T.G.S. transfer would arrive after some time. These people also sent me a screenshot of the R.T.G.S. transfer on my phone. After giving us the screenshot, Mahinder Singh took the money and left from there. After Mahinder Singh left from there, even after a long time, the money did not arrive in our account. After that, we tried a lot to contact Mahinder Singh and his employer, Santosh Garg, by phone, but both their numbers were switched off, then when we realized that we had been defrauded/ cheated and that several people were involved in this fraud. Therefore, I humbly request you that I may be imparted/granted justice and take strict action may be taken against the afore-stated accused/culprits. I would be very grateful to you. Thanking you, sd/- Jai Bhagwan, Complainant/Applicant son of Shri



Sundar Lal, # 132, New Grain Market, Bhiwani, Haryana. Mobile 92159-50074.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.8.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that there is no tangible material to reflect that any money has actually come into the account of the petitioner. Learned counsel has further submitted that the prime basis of the prosecution case is the disclosure statement of co-accused, which is untenable in law. Learned counsel has further submitted that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 8.12.2025. in Court, which is taken on record.

4.1 Learned counsel for the complainant has vociferously opposed the grant of bail by arguing that there are direct and serious allegations against the petitioner. Learned counsel has further submitted that the co-accused are yet to be arrested and in case the petitioner is enlarged on bail, the prospects of arrest of the co-accused will be marred. Learned counsel has further submitted that there is a CCTV footage, which clearly reflects that the petitioner has indeed received money from the complainant-side. Learned counsel has further submitted that the mobile



phone of the petitioner, which has been taken into police possession, has incriminating material against the petitioner.

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

6. The petitioner was arrested on 28.8.2025 wherein after investigation was carried out and challan stands presented on 7.11.2025. Total 32 prosecution witnesses have been cited and it is conceded case before this Court that none has been examined till date. It is, thus, indubitable that culmination of trial will take its own time. The trial emanating from the FIR in question is a Magisterial one. The rival contentions raised by learned counsel 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 Indubitably, the present petition is the 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 13.11.2025. However, keeping in view further incarceration of the petitioner and pace of the trial, this Court is inclined to favourably 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.”

6.2 As per custody certificate dated 8.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 11 days & is not shown to be involved in any other case.

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.
- (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

9.12.2025
Ashwani

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