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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-71349-2025

Date of decision: 23rd December, 2025

Pratham Soni

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Shalini Atri, Advocate and
Mr. Keshav Sharma, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Jainainder Saini, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 625 dated 01.11.2023 registered under Sections 406 and 420 of IPC (Section 477 of IPC was added later on) at Police Station Adampur, District Hisar.

2. The aforementioned FIR registered on the basis of a complaint submitted by the complainant Sita Ram alleging that on 17.11.2022, he had given about half kgs of silver and some tolas of gold to the Pratham Jewellers situated at Mandi Adampur for the purpose of preparing some new ornaments. Apart from this, he had given some money for purchasing gold ornaments that

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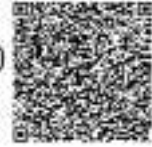
were to be given by him in marriage of his relative. The present petitioner and his brother who were running the above mentioned jewellery shop, had assured him to take delivery of the gold ornaments after some time and a receipt was also given to him. However, after some time, the shop of Pratham Jeweller was found lying closed. The complainant made inquiries and came to know that brother of the petitioner had expired. The petitioner assured to settle his account but left that place along with his family members. By alleging that he had been duped at the hands of the petitioner, he prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 19.10.2025. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, his brother Kamal was proprietor of Pratham Jeweler and silver and gold jewelry, if any, was given to him, and that had never been given to the petitioner by the complainant at any point of time. He had no concern with the proprietorship business of his brother. No recovery has been effected from him. He is in custody since 19.10.2025. Trial will take considerable time to conclude. The ingredients for commission of subject offence have not been attracted against him. He has clean antecedents. The subject offences are triable by Magistrate. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Mr. Jainainder Saini, Advocate has put in appearance on behalf

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of the complainant and has filed power of attorney.

6. Learned State counsel has advance notice of the petition. While placing on record custody certificate, it is argued by him that there are serious allegations against the petitioner. He along with his brother had cheated the complainant by using his gold and silver ornaments and money, on assurance that new gold ornaments would be made with those articles. There are chances of petitioner's absconding or committing similar offence if extended benefit of bail. It is, hence, stressed that the petition does not deserve to be allowed.

7. This Court has heard learned counsel for the parties at considerable length.

8. The petitioner along with his brother had received silver as well as gold articles from the complainant for the purpose of preparing new ornaments but did not give back some to the complainant. The allegations prima facie make out a case for subject offences against the petitioner. However, he is in custody since 19.10.2025. He is not required for further investigation. Trial will obviously take time to conclude. His further detention would not serve any useful purpose. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentence. Taking into consideration the above discussed facts, but without meaning to make any comments upon the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing

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personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/
Duty Magistrate concerned.

9. Since the main petition has already been disposed of, pending
application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd December, 2025
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |