



CRM-M-3283 of 2026

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

244

CRM-M-3283 of 2026  
Date of Decision: 08.04.2026

Sanjeev Kumar Ahuja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. P.K.S. Phoolka, Advocate  
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

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**RUPINDERJIT CHAHAL, J (ORAL)**

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.10 dated 14.01.2022 registered under Sections 420 of IPC, at Police Station Civil Lines Bathinda, District Bathinda.

2. Brief facts as per the prosecution case are that the petitioner has duped the complainant for a sum of Rs.11 lakhs on the pretext of investing her money in the business. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argued that the petitioner was neither beneficiary of the alleged fraud nor has received any amount in this regard.

He further argued that there is no incriminating material on record to

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connect the petitioner with the alleged offence. He further argued that no offence under Section 420 is made out against the petitioner as the contents of the FIR do not fulfill the ingredients of cheating in any manner. No recovery is to be effected from the petitioner. The petitioner is in custody since 07.09.2023. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 18 prosecution witnesses but none has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record and while referring to the status report already filed in the matter, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for more than 01 year and 01 month; investigation is complete; challan stands presented; charges framed; out of 18 prosecution witnesses, none has been examined till date; the complicity of the petitioner is a matter of trial; which is proceeding at snail's pace, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of trial being concluded in the near future would be violative of his rights under Article 21



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of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

*"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."*

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail

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bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

**08.04.2026***D.Bansal***(RUPINDERJIT CHAHAL)  
JUDGE**

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