



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

CRM-M-4164-2026 (O&M)
Reserved on : 18.02.2026
Pronounced on : 25.02.2026

Atul Kumar @Jelly

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. P.S. Ahluwalia, Sr. Advocate with
Mr. H.S. Randhawa, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

SURYA PARTAP SINGH, J.

This petition for bail, which is first petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023', has been filed with regard to a case arising out of FIR No.464 dated 25.09.2025, for the commission of offence punishable under Sections 318(4), 319(2), 336(2), 338, 336(3), 340(2), 61(2), 338(4) of Bharatiya Nyaya Sanhita, 2023, Police Station Zirakpur, District SAS Nagar.

2. The abovementioned FIR came into being at the instance of 'Mehtar Sant Singh Dhillon', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he was owner of a piece of land ad-measuring 27 bigha 4 biswa situated in Village Kishanpura, Tehsil Zirakpur, District SAS Nagar. According to complainant, with regard to abovementioned land, a sale deed has been fraudulently executed by



someone while impersonating himself as owner of the property, and that with regard to abovementioned sale even mutation No.2785 has been got sanctioned. While claiming that some impersonator executed the abovementioned sale deed, action was sought by the complainant.

3. It is the case of the prosecution that pursuant to abovementioned complaint, formal FIR of this case was lodged and the investigation taken up. According to prosecution, during the course of investigation, it was found that the abovementioned sale deed dated 02.09.2025 was executed in favour of 'M/s Rajdhani Hotels and Resorts LLP' for a sum of Rs.3 crores by somebody impersonating himself as owner of the property, i.e. complainant (Meher Sant Singh Dhillon). According to complainant, the attesting witnesses of the vendor on the sale deed were Khushpal Singh, Advocate and Amit Jindal.

4. It has been further alleged by the prosecution that during the course of investigation, the statement of complainant was recorded, who disclosed that accused Gurlal Singh had impersonated himself as Mehar Sant Singh Dhillon (owner of the property), and that other persons involved in the abovementioned fraudulent transactions were Varinder Singh, Rajiv Sikri, Mandeep Singla, Davinder @Sammy, Simranjit Singh @Samar and Ajay Ajain, all residents of Ludhiana.

5. The prosecution has claimed that on 26.09.2025, accused Varinder Singh suffered a disclosure statement, wherein he nominated Atul Kumar (petitioner herein) as accused and on arrest, the petitioner suffered a disclosure statement, wherein he nominated Simranjit Singh @Samar. It has



been further alleged by the prosecution that during the course of investigation, it was found that by using forged document, a bank account in the name of complainant was opened in 'Ujjivan Small Finance Bank' and on registration of sale deed, a sum of Rs.50 lacs was deposited in the abovementioned account. As per prosecution, the abovementioned money was transferred into the account of 'Ikvinder Kaur', who further transferred the abovementioned money into the account of 'Manpreet Singh'. As per prosecution, 'Manpreet Singh' had withdrawn the abovementioned amount through ATM and cheques.

6. According to prosecution on 09.10.2025, accused 'Gurlal Singh', 'Varinder Singh' and 'Atul Kumar' (petitioner herein) were joined in the investigation and thereafter they were remanded into police custody. As per prosecution on interrogation, they suffered their respective disclosure statement, wherein they revealed that he and Varun Jain had transferred an amount of Rs.2 crores from the forged account opened in the name of 'Meher Bant Singh Dhillon' into the account of 'Ikvinder Kaur', who withdrew the abovementioned money and handed over to 'Arjinder Singh' and thereafter, 'Arjinder Singh' handed over the abovementioned money to petitioner and 'Varun Jain'. According to prosecution, at the instance of petitioner Rs.7 lacs were recovered from 'Praveen Kumar', to whom the abovementioned money was handed over by the petitioner.

7. Heard.

8. The record has been perused carefully.



9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that the offence is triable by the Court of Judicial Magistrate;
- ii. that petitioner is already in custody for a period of more than four months;
- iii. that except the disclosure statement of petitioner and his co-accused, there is no evidence to show the involvement of petitioner in the commission of crime. Neither there is any reliable money trail to show that the money was paid to the petitioner, nor there is any other document to show that at the time of execution of sale deed, opening of bank account in the name of complainant or withdrawal of money from the bank account of 'Ikvinder Kaur', the petitioner was present;
- iv. that the only allegations against the petitioner are that co-accused and the petitioner suffered disclosure statement and confessed that Rs.21 lacs, out of money received by sale of land of complainant, was received by the petitioner. However, there is no supporting evidence qua abovementioned aspect;
- v. that the only connection tried to establish by the prosecution in the present case is the recovery of Rs.7 lacs from Praveen Kumar, which is alleged to be the proceeds of crime. But with regard to abovementioned recovery, it is relevant to mention that Rs.7 lacs is not such a big amount that its possession in itself may invite an inference that there was some criminal activity behind the receipt/possession of that money. In fact except the disclosure statement, which was suffered in police custody, there is nothing to show that it was proceeds of crime;



- vi. that the trial and investigation are not likely to be concluded in near future;
- vii. that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- viii. that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- ix. that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in trial.

10. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or



denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

12. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the



Hon'ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

13. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

14. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

15. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.



- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

25.02.2026

Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No