

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

2026:PHHC:037292



127

CRM-M-8938-2026

Date of decision: 11.03.2026

Date of uploading: 11.03.2026

Mukul Kumar

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Viranjeet Singh Mahal, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNS 2023 for grant of regular bail to the petitioner in case bearing FIR No.0211 dated 23.11.2023 registered for the offences punishable under Sections 420 and 406 of IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014, at Police Station Bhawanigarh, District Sangrur.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Copy of application, application PGD 231676 Office of the Hon'ble SSP Sahib Sangrur, Complainant Harjinder Kaur wife Gurvinder Singh son of Mr. Sukhpal Singh resident of

Sanghredi Police Station Bhawanigarh against Mukal Kumar son of Suresh Kumar resident of House No. 16-C, City Ham, Near Bala Ram Nagar, Flat No. 6-C. Bathinda under the crime of 420,406 IPC, 13 Punjab Travel Professional Regulation Act 2012, whose jail is:- At the service, Hon'ble SSP Sahib, Sangrur. Subject: Application Mukal Kumar son of Suresh Kumar resident of House No. 16C, City Ham, Near Bala Ram Nagar, Flat No. 6C. Bathinda-151001 Owner ABM International Main Branch Bathinda Mobile No: 6280013163,7888534476, 9877454034,6280575356 regarding the fraud of Rs. 2500000/- from my family member by giving the language of going abroad and filing a case against him. Sir, it is requested that Harjinder Kaur wife Gurvinder Singh son of Mr. Sukh Pal Singh resident of Sangh Rori Tehsil Bhawanigarh District Sangrur. That my family member Gurvinder Singh is 12th pass and does agriculture. That our relative Iqbal Singh, resident of Dhilwa, district Barnala, had got his wife's study visa done at the above mentioned Mukal Kumar's side 231676, due to which we had established rapport with the above mentioned Mukal Kumar and we had developed a lot of trust with Mukal Kumar and Mukal Kumar asked my husband Gurvinder Singh what do you do and husband Gurvinder Singh told him his business and Mukal Kumar started telling my husband Gurvinder Singh that Canada's business and visitor visa has come, I will give you the visa within a week and took us into complete confidence and became a husband, in which you will first have to give me 25,00000/- which I will give you the visa within a week and took us into confidence and gave PPR to husband Gurvinder Singh on 31 August 2022. The payment was made on 17 September 2022 through the Chowk for Rs. 7,00,000/- and then in the account of my brother Chamkaur Singh on the date: On 17 September 2022, Rs. 5,00,000/- was deposited in the account of the said Mukal Kumar. After this, Rs. 3,00,000/- was deposited in the account of the said Mukal Kumar on 19 September 2022. After this, Rs. 5,00000/- was deposited in the account of Mukal Kumar on 23/September/2022 and then Rs. 5,00000/- was deposited in the account of Mukal Kumar and then Mukal Kumar and his wife Sukhmandeep came to my house in our village Sanghredi and

took 5,00000/- in their luxury car registered HR26CA3848. (These are attached with the entries of the transferred posts). After this, after the completion of the 25,000/-, the paget started telling us that your work will be done in a few days and my husband kept objecting to his business visa, but this kept making us cry like today. It has become clear to us that we have been cheated. My husband is mentally disturbed due to this person cheating us that due to this incident my father-in-law Sukhpal Singh has died due to a heart attack. He is now openly telling us that I am not going to return your payment, you can take any legal action against me, no one can harm me and says that I have good political and administrative relations, now we have no idea where he is. We have to see if he has gone abroad. If any untoward incident happens to our family or my husband. The responsibility for this will be with the said Mukal Kumar and his wife Sukhmandeep Kaur. His staff is also associated with this Mukal Kumar. There are also call recordings and WhatsApp messages of my husband's conversation with Mukal Kumar, if we can present them to you as evidence. Therefore, I have come to you to seek legal help. I hope that you will definitely give us justice. By submitting this application, it is humbly requested to you that due legal action should be taken in the above regard and justice should be given to us and the money of the rightful hard work should be given to me, Sir, my husband wanted to go abroad and make a life for his family, but the said Mukal Kumar has brought us on the road, we have become very unhappy with our lives. Sir, please give us justice. You will be very kind. With thanks. Yours faithfully, right/- Harjinder Kaur wife Gurvinder Singh son Mr. Sukhpal Singh resident of Sanghredi Tehsil Bhawanigarh District Sangrur Mobile: 94645-67286. ”

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 04.06.2025. Learned counsel appearing for the petitioner has further submitted the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further argued that the petitioner was merely helping the

FIR-complainant/victim to pursue the dream for going abroad. Learned counsel appearing for the petitioner has further argued that the money in question primarily deposited in the GIC Account (Guaranteed Investment Certificate). Learned counsel appearing for the petitioner has suffered incarceration for more than 9 months. Thus, regular bail is prayed for.

4. Learned State counsel opposed the grant of bail to the petitioner by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 10.03.2026 in Court, which is taken on record.

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

5.1. At this juncture, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429, relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be

close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution.”

5.2. Further, the Hon’ble Supreme Court in a judgment titled as *Gurcharan Singh vs. State (UT of Delhi)* 1978 (1) SCC 118, has held as under:-

*“Where the granting of bail lies within the discretion of the **court**, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the **court**, the primary inquiry is whether a recognizance or bond would effect that end.”*

5.3. Furthermore, the Hon’ble Supreme Court in a judgment titled as *Sanjay Chandra vs. CBI* (2012) 1 SCC 40, has held as under:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”

6. The petitioner was arrested on 04.06.2025 whereinafter investigation was carried out and challan was presented on 30.7.2025. Total 10 prosecution have been cited and it is the conceded position before this Court that only one of the prosecution witnesses has been examined till date. It is not in dispute that conclusion of trial will take long time. It is also not in dispute before this Court that trial emanating from the FIR in question is a Magisterial one. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon’ble Supreme Court **Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494**, relevant whereof reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed

when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under [Article 21](#) of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. [Article 21](#) of the Constitution applies irrespective of the nature of the crime.”

The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into 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 rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

7. As per the custody certificate dated 10.03.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 9 months & 4 days and is stated to be involved in multiple other FIRs/criminal complaint(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner 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 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*.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. In view of above, the petition in hand is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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/Illaq Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

10. Ordered accordingly.

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

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 11, 2026

Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No