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CRM-M-10631-2026

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10631-2026
Date of decision: 01.04.2026

SUSHIL KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Pankaj Garg, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG Haryana.

.....
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.282 dated 27.06.2024 registered under Sections 406, 420, 467, 468, 471, 120-B IPC at Police Station Sadar Fatehabad, District Fatehabad.

2. Brief facts of the case of prosecution are that the petitioner allured the complainants on the pretext of providing government jobs to their children, and duped them for a sum of ₹9,00,000/-. Hence the present FIR.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he has no concern with the offence. He submits that the complainants had rather approached the father of the petitioner for providing government jobs who has already expired. He further submits that he is in custody since 14.12.2024 and the offence in question is triable by magistrate only. He further submits that even if the prosecution version is taken to be true, then also only allegation against the



petitioner is that he has received ₹9 lacs from the complainant and out of which Rs.5,40,000/- has already been returned to the complainants. He further submits that investigation in the present case is complete, challan has been filed, charges have been framed, out of 30 prosecution witnesses only 03 have been examined. As such, the conclusion of trial will take a considerable long time. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate of the petitioner which is taken on record. Reply has already been filed and she while relying on the same has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She 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 the last more than 01 year, 03 months; investigation in the present case is complete, challan has been filed, charges have been framed, out of 30 prosecution witnesses only 03 have been examined; and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 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 her 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 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.

01.04.2026
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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No