

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.10220 of 2026 (O&M)
Date of Decision: 21.04.2026

Lakhwinder Singh

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Aman Pal, Sr. Advocate with
Mr. Balraj Sharma, Advocate;
Mr. Rajender Kumar, Advocate and
Mr. Japsehaj Singh, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.146 dated 19.04.2025, for the commission of offence punishable under Sections 406, 420 & 506 of Indian Penal Code and Sections 10 and 24 of the Immigration Act, Police Station Thanesar City, District Kurukshetra.

2. The abovementioned FIR came into being at the instance of 'Gurmeet Kaur', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that her son namely 'Gurvinder Singh' was an aspirant to settle abroad, and with regard to above he came to know that the petitioner, along with his son, was running an immigration firm under the name of 'Cliff Education Immigration Pvt. Ltd. Kurukshetra'. As per



complainant she came in contact of the petitioner, and his son, who assured her that for a sum of Rs.20,00,000/- they would arrange immigration papers for her son. According to complainant, initially an amount of Rs.3,00,000/- was paid by the complainant to the petitioner and his son, and subsequently, in several installments a sum of Rs. 22,60,000/- (total) has been paid. The complainant further alleged that her son was initially sent to Dubai and from Dubai he was supposed to be sent to USA, via Azerbaijan and Turkey, but he was returned to India, from Dubai. It was further alleged by the complainant that despite assurance and despite receipt of money his son was not sent to USA and thus, she has been cheated.

3. It is the case of prosecution that in view of above mentioned complaint formal FIR of this case was lodged and the investigation taken up.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. Reply in the form of affidavit, duly sworn by the Deputy Superintendent of Police, Head Quarter, Kurukshetra, has already been filed.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner is a simply agriculturist who has nothing to do with the firm 'M/s Cliff Education Immigration Pvt. Ltd.'. According to learned counsel for the petitioner the above mentioned firm is being run by his son, who was responsible for all the activities related to the above mentioned firm. As per learned counsel for the petitioner, the petitioner has been falsely implicated in the present case. According to learned counsel for the petitioner the petitioner



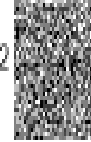
has clean antecedents, and that trial is not likely to be concluded in near future, and therefore, the petitioner is entitled for the benefit of bail.

7. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel the petitioner was hand in glove with his son, and that is why in the FIR, itself, it has been specifically mentioned that at the time of striking the deal he was accompanying the prime accused, i.e. his son 'Rajbir Singh'. The learned State counsel has also contended that the family members of the petitioner, i.e. his son and wife, who are co-accused in the present case, are absconding, and that even the documents pertaining to the complainant's son have not been recovered in the present case. The leaned State counsel has sought for dismissal of present petition.

8. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of more than four months;
- ii) that the offence is triable by the Court of Judicial Magistrate;
- iii) that the maximum punishment prescribed for the offence, for which the petitioner is being prosecuted, is imprisonment up to seven years;
- iv) that the investigation is already complete, and therefore,



nothing has been left to be recovered from the possession of petitioner;

- v) that the investigation and trial of the case are not likely to be concluded in near future;
- vi) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the 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) 3 SCC 22, 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 v. Central Bureau of Investigation’ (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 an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

14. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession 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 abovesaid benefit 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 from disclosing 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 trial Court.

16. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

21.04.2026
Manoj Bhutani

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