

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

2026:PHHC:039284



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CRM-M-10933-2026

Date of decision: 13.03.2026

Date of uploading: 13.03.2026

Ashwin Sharma

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ankit Chauhan, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case bearing FIR No.211 dated 05.08.2024 registered for the offences punishable under Sections 420, 467, 468, 471, 120-B of IPC, at Police Station Sector-53, District Gurugram.

2. The gravamen of the FIR reflects that the instant FIR has been registered on the basis of a complaint made by the complainant-company, M/s Luxury Ride Global Pvt. Ltd., which is engaged in the business of buying and selling pre-owned luxury vehicles by stating that it was allegedly cheated by the petitioner through a fraudulent transaction relating

to a luxury car. It is alleged that in January 2024, the petitioner approached the complainant company through an online inquiry expressing his intention to sell a Jaguar Land Rover F-Pace. The petitioner allegedly represented himself to be the cousin of the registered owner of the said vehicle. After inspection and negotiations, the complainant company agreed to purchase the vehicle for a total sale consideration of Rs. 48,20,000/-. Out of the said amount, a sum of Rs. 46,00,000/- was transferred to the bank account of M/s Geetanshi Steel Industries on the assurance of the petitioner that the original Registration Certificate (RC) and No Objection Certificate (NOC) from Bank of Baroda would be provided shortly. It is alleged that a copy of an NOC was shared with the complainant and possession of the vehicle was handed over to them on 12.01.2024. However, according to the complainant, despite repeated requests, the original RC and NOC were not provided. The complainant was allegedly asked to coordinate with certain agents purportedly working at the Ahmedabad RTO for completion of the transfer formalities. It is further alleged that the complainant paid additional amounts towards taxes and commission to facilitate the transfer of the vehicle, but the registration was never transferred. The complainant later allegedly discovered that the registered owner of the vehicle had already expired, the NOC supplied earlier was forged, and that there was an outstanding loan of approximately Rs. 70 lakhs on the vehicle. During the course of investigation, it was allegedly found that the bank account of M/s Geetanshi Steel Industries, to which the payment of Rs. 46,00,000/- was made, was linked to co-accused Dharmender and was also allegedly connected to the petitioner's wife. It

was further revealed that the said amount was subsequently transferred to several other accounts. On the basis of these allegations, the present FIR came to be registered alleging that the petitioner, in connivance with his co-accused, dishonestly induced the complainant company to part with money and thereby caused a wrongful loss amounting to Rs. 51,62,536/- to the complainant.

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 16.05.2025. 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 FIR in question essentially has civil overtones and it relates to sale/purchase of Jaguar car. Learned counsel appearing for the petitioner has further submitted that the petitioner is a young man aged 35 years. Learned counsel appearing for the petitioner has further submitted that the trial emanating from the FIR in question is magisterial one & the petitioner is in custody for the last 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 12.03.2026 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 16.05.2025 whereinafter investigation was carried out and challan was presented on 14.08.2025. Total 18 prosecution have been cited and it is the conceded position before this Court that none of the prosecution witnesses has been examined till date. It is not in dispute that conclusion of trial will take long time. The petitioner is a young man aged 35 years and no useful purpose would be served by keeping the petitioner in further detention. 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 12.03.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 9 months & 26 days and is stated to be involved in four 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 13, 2026
Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No