



CRM-M-10966-2026

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

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Date of decision : 10.03.2026

Date of uploading : 10.03.2026

NAVEEN KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Maneesh Kumar Bali, Advocate for the petitioner.

Ms. Priyanka Sadar, Senior DAG, Haryana.

Mr. Raman Chawla, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.531 dated 01.09.2025 under Sections 318(4) of BNS (Section 420 of IPC), registered at Police Station Gharaunda, District Karnal, Haryana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"Copy of complaint is annexed, To, SHO Police Station Gharaunda, Subject:

Compliant against 1. Naveen (Mob): 70564-16000) son of Surender caste Gujar Kohand Police Station Gharaunda DIstrict Karnal for duping me for Rs 63,30,000/- by cheating me with false promise of giving me then land and for threatening to kill me and for taking legal action and that my money be recovered and returned to me. Respected Sir/Madam, It is submitted that I, Rajender son of Janeshwar, caste Gujar, resident of Village Kohand, Tehsil Gharaunda, District Karnal, and I am a law-abiding citizen and wish to lodge a complaint against above accused Naveen son of Surender, resident of Village Kohand, as under: 1. That in August 2024, Amit son of Hism Singh, resident of Village Kohand, Tehsil



Gharaunda, District Karnal, came to me and said that you were looking to purchase land, in case you want to purchase land then Naveen son of Surender of Village Kohand is selling his land measuring 7 kanal 4 marla. I asked Amit son of Hism to show me the land. And he showed me that land. After, two days later he called Naveen son of Surender, and the land sale deal was finalized at the rate of ₹67,00,000 per acre. And that time, I paid ₹1,00,000 in cash as token money to Naveen. Thereafter, on 06.09.2024, Naveen executed an agreement to sell (bayana) in my favour land measuring for 7 kanal 4 marla, and I transferred ₹22,00,000 into Naveen's bank account. Naveen told me that the land is like pure gold and he also provided me a copy of the Jamabandi for the year 2019-2020 relating to Khewat No. 665, Mauja Kohand, Tehsil Gharaunda, District Karnal. Subsequently, on 23.10.2024, the accused Naveen dishonestly got the sale deed of 7 kanal 4 marla executed in favour of my wife. In consideration thereof, I paid ₹1,50,000 on 27.09.2024, ₹14,00,000 and ₹11,00,000 on 24.10.2024, in his account, and ₹10,80,000 in cash forcibly taken by him from me, which I had intended to transfer through bank. However, the accused had already sold 5 kanal out of the said land to some other person earlier and, in connivance, had ensured that its mutation is not entered. I also incurred approximately ₹3,00,000 as expenses for the registration. 2. After a few days of registration, when I met the concerned Patwari for entering mutation of the purchased land, he informed me that only 2 kanal of land remained in the name of accused Naveen and that he had already sold the rest of his land earlier. Therefore, mutation could be entered only for 2 kanal. 3. Thereafter, after returning from Tehsil, I met Naveen son of Surender and confronted him, and told him that you have cheated me as only 2 kanal land remained in your name. And I asked him to return my money whereas you have sold 7 kanal 4 marla to me. Upon this, he threatened me with dire consequences and even threatened to kill me then accused Naveen told me to wait for 15 days. He said that my father also owns land in Village Kohand and I will get transfer the balance land in your name or in name of your family member. out of the remaining land. Then I told him that I will wait for 15 more days. However, even after 15 days, despite repeatedly asking him, Naveen neither got the sale deed registered nor got the mutation (intkal) entered in my name. Thereafter, I went to his father Surender and narrated the entire matter. I told him that his son had cheated me by entering into a deal for 7 kanal 4 marla of land, took the entire sale consideration, whereas only 2 kanal of land was actually in his name. He was taking your name and assuring me that he would get the land registered in my name through his father. His father said that he would convince him, and either he would get the remaining land registered in your name or he will return your money. However, even after repeatedly approaching them, my issue was not resolved. 4. Later on, when I again met Naveen, he became furious over me and started abusing me.

He threatened that if you ever again came to my house or approached me to demand money or land, you would not return home alive. He further said that it would be better for you and your family to leave from here, otherwise I would shoot you and no one would ever find out about you. I am an ordinary person who earns his livelihood through hard work and supports his family.

Due to the threats given by the accused, I am under deep shock and fear. I now have no option except to seek the protection of law. Therefore, I request that strict legal action be taken against the accused Naveen, son of Surender, for cheating me of ₹63,30,000/- and for threatening to kill me, and that my entire amount of ₹63,30,000/- be recovered and returned to me. I shall be thankful to you. Date: Narender, Mobile: 98137-14909 Sd/- Rajendra, son of Janeshwar, Resident of Village Kohand, Police Station



Gharaunda, District Karnal Mobile: 85709-23220.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.09.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the matter in hand essentially emanates from a civil dispute, and the same has been given the colour of a criminal case so as to arm-twist the petitioner for an amicable settlement. Learned counsel has further submitted that the petitioner is a young man aged about 37 years and the sole breadwinner of the family. Learned counsel has further urged that the petitioner has clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 09.03.2026 in Court, which is taken on record.

4.1 Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by reiterating that there are direct and serious allegations against the petitioner. He has further submitted that the petitioner has defrauded the complainant of a huge amount of money. Learned counsel for the complainant has further submitted that the petitioner, despite being well aware that he is not the owner of the land in question, went on to sell the same to the complainant. He has further submitted that there are specific bank transactions in favour of the petitioner at the instance of the complainant, clearly showing the culpability of the petitioner qua the FIR in question.



5. I have heard counsel for the parties and have gone through the available records of the case. Before delving into the matter in hand, 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.”

5.1. 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.”*

5.2. 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 15.09.2025 wherein after investigation was carried out and challan stands presented on 09.10.2025 Total 17 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon 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 trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 09.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 5 months and 24 days and is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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

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

8. 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.

9. Ordered accordingly.

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

(SUMEET GOEL)
JUDGE

10.03.2026*jatin*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No