



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

217

CRM-M-14082-2026

Date of decision :20.05.2026

Date of uploading :20.05.2026

RAM PAL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Pallavi Babbar, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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.328 dated 16.04.2024 under Sections 406, 420 of the IPC, registered at Police Station Kanal Sadar, District Karnal during investigation Section 370, 506 of IPC, and Section 24 of Immigration Act added later on, which is wrongly dismissed vide impugned order dated 06.02.2026.

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 application is as follows To, The Superintendent of Police. Subject: Application for taking legal action against Malkhan (Mob.No.8168132101), Ram Pal Mob. No.9996253800, Meena wife of Ram Pal and Vivek son of Sh. Rampal all resident of near Johar Nigdhu, District Karnal for extracting money in the name of sending abroad and for eloping the son of the applicant and threatening to kill. Sir, I, the applicant submits as follows that I the applicant Santosh wife of Ramesh Kumar I am resident of village Mohaydhinpur Tehsil and District Karnal. 2. That I had two sons, that my son Manoj Kumar is already died and the



name of second son is Ashwani Kumar. 3. That my son Ashwani Kumar is unemployed who is 10th Class pass. The aforesaid accused is used to visit Belarus, all the aforesaid accused after deceiving innocent children of India with settle them in abroad cheating money from them and apart from it after taking the children there are compelling them to call money from their families and they are beating the children and they also killed them. 4. That sir talk was held between my son Ashwani and aforesaid accused Ram Pal then he said I will give you a Number of Germany and I will arrange their job for you, that the aforesaid accused said to my son that for it you have to pay Rs.7,50,000/- and my son was agreed with this deal. 5.

That thereafter the aforesaid accused said to my son that you may pay some money to me then my son said at this time you are in Belarus then the aforesaid accused said don't worry my brother and my wife and my son all with connivance of each other are doing the work to send children to foreign country and from my house at Nigdhu my family members will took money from your home. 6. That in October 2023 Malkhan the brother of the aforesaid accused Ram Pal and Bina wife of Ram Pal and Vivek son of Ram Pal visited village Mohyadhinpur and and took Rs.450,000/- in cash from me and thereafter the aforesaid accused send my son to Moscow and thereafter, as and when my son talked with the aforesaid accused Ram Pal then he said that it may take some time more and I will send you Germany from Moscow, because at present war has been started in Russia, in this manner the aforesaid accused extending time to my son time and again. 7. That now in March 2024 again the aforesaid accused said that arrange some more money and now I am sending your son to Germany and the aforesaid accused said that you pay me Rs.300000/- then my son made phone call to me and I on 6.3.2024 through RTGS credited Rs.300000/- in Account No. 50100694284442 and thereafter the aforesaid accused Ram Pal said that your son will be reached Germany very soon. 8. That I have talked with my son then my son started saying me that now the aforesaid Ram Pal will took me to Germany with him and my phone will also remain with aforesaid Ram Pal and his persons and if you want to talk with me then contact with Ram Pal. 9. That thereafter, I have contacted with my son then call with my son not held and thereafter I have contacted with aforesaid accused Ram Pal then he said don't worry your son is just reaching Germany and I said him arrange my talk with my son Ashwani then the aforesaid accused said I will arrange your talk within 1-2 days and in this manner the aforesaid accused adjourning the date time and again and later on the aforesaid accused started putting pressure on me that we are in need of another Rs.300000/-you may pay then I said I am not having money and the deal which was finalized I have already paid to you entire amount then the aforesaid accused threatened me that I am not getting arrange your talk with your son, anything would be happened. 10. That thereafter, on my repeated demand the aforesaid accused all of a sudden on 26.3.2024 transferred Rs.300000/- in my account. In this manner I have doubt that the aforesaid accused with the connivance of each other either they have detained my son or they have killed him. 11. That now I came to know that the aforesaid accused persons are cheating people in the name of sending them abroad and at present a lady has already submitted an application against the aforesaid accused regarding his son and now with the pressure of Police the aforesaid Malkhan, Meena wife of Ram Pal and Vivek son of Ram Pal will got arrange her talk with her son. 12. That the aforesaid Malkhan Singh, Meena wife of Ram Pal and their son Vivek are very well know about my son and they are intentionally harassing and humiliating me. Hence, Sir, it is requested to you that strict legal action may be taken against the aforesaid accused and it may be enquired from the aforesaid accused that where they have kept my son. I shall be thankful to you. Thanks. Sd/- Santosh Kumari Applicant,



*Santosh Kumari wife of Ramesh Kumar resident of village Mohaydhipur
Tensile and District Karnal Dated 2.4.2024. Mob. No. 8901502081 ”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 08.10.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further urged that the amount received by the wife of the petitioner already stands returned. Learned counsel has further submitted that, upon culmination of investigation qua the petitioner, the challan has already been presented. Learned counsel has further submitted that no useful purpose would be served by keeping the petitioner in further custody. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit dated 01.05.2026 in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, 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 19.05.2026 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.

6. The petitioner was arrested on 08.10.2025 wherein after investigation was carried out and challan qua the petitioner stands presented on 18.12.2025. Total 13 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 19.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 07 months and 12 days & is shown to be involved in another case. As per the said custody certificate, the petitioner is stated to be involved in one case/FIR. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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, 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 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

20.05.2026
jatin

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